

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE SOUTHERN DISTRICT OF OHIO
3 EASTERN DIVISION

4 EQUAL EMPLOYMENT :
5 OPPORTUNITY COMMISSION, :
6 PLAINTIFF, :
7 vs. : CASE NO. 2:13-CV-00780
8 OHIOHEALTH CORPORATION, :
9 D/B/A RIVERSIDE :
10 METHODIST HOSPITAL, :
11 DEFENDANT. :
12 - - -

13 Deposition of LAURA M. STONE, a witness herein,
14 called by the Defendant for cross-examination under the
15 applicable Federal Rules of Civil Procedure, taken
16 before Carol A. Kirk, a Registered Merit Reporter and
17 Notary Public in and for the State of Ohio, pursuant to
18 notice, at the Offices of Baker & Hostetler, 65 East
19 State Street, Suite 2100, Columbus, Ohio, commencing on
20 Wednesday, June 18, 2014 at 9:12 a.m.

21 - - -

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1 DEPOSITION OF LAURA M. STONE

2 APPEARANCES

3 - - -

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8

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12 On behalf of the Defendant.

13

14 ALSO PRESENT:

15 Tanisha Wilburn

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Wednesday Morning Session
June 18, 2014
9:12 a.m.

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4 STIPULATIONS

5 It is stipulated by and between counsel for
6 the respective parties that the deposition of LAURA M.
7 STONE, a Witness herein, called by the Defendant under
8 the applicable Federal Rules of Civil Procedure, may be
9 taken at this time in stenotype by the Notary, pursuant
10 to notice; that said deposition may thereafter be
11 transcribed by the Notary out of the presence of the
12 witness; that proof of the official character and
13 qualification of the Notary is waived; that the witness
14 may sign the transcript of her deposition before a
15 Notary other than the Notary taking her deposition;
16 said deposition to have the same force and effect as
17 though signed before the Notary taking it.

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1 LAURA M. STONE

2 being by me first duly sworn, as hereinafter certified,
3 deposes and says as follows:

5 BY MR. WHITCOMB:

6 Q. Would you state your name for the record.

7 A. Laura M. Stone.

8 Q. Ms. Stone, my name is David Whitcomb. I work
9 here at the law firm of Baker & Hostetler, and we
10 represent the Defendants in the lawsuit that you
11 brought against -- or actually the EEOC brought in this
12 case.

13 I've asked you to appear today to take your
14 deposition. It's my opportunity to ask you questions
15 while you're under oath to find out what your answers
16 to those questions are.

17 We have a court reporter here, and she's
18 taking down everything that's being said. So there are
19 a couple ground rules that we both need to follow.
20 It's important that we don't speak over top of each
21 other. So if I'm asking a question, if you could
22 please wait until I'm done asking my question before
23 you answer; and when you're answering, I'll try to wait
24 until you're done answering the question before I ask

1 another question.

2 It's also important that you answer audibly.

3 So if I ask you a yes or no question, you should say
4 yes or no as opposed to shaking your head, because the
5 court reporter can't take down shakes of the head.

6 A. Um-hmm.

7 Q. If you need a break at any time during the
8 day, just let me know and we can accommodate breaks.

9 And if you need a drink or anything, let me know. We
10 have refreshments here as well.

11 Have you ever been deposed before?

12 A. No.

13 Q. Is there anything you did to prepare for your
14 deposition today?

15 A. Yes.

16 Q. What did you do? And, by the way, I don't
17 want to know about conversations you had with your
18 lawyers or the EEOC's lawyers.

19 A. I met with Ms. Laws to prepare.

20 Q. Okay. Can you tell me your current address?

21 A. That would be 415 Liberty Lane, Westerville,
22 Ohio, and the Zip Code is 43081.

23 Q. How long have you lived at that address?

24 A. Since approximately five years now.

1 Q. Does anybody live with you at that address?

2 A. Yes.

3 Q. Who is that?

4 A. My mother.

5 Q. What is her name?

6 A. Donna.

7 Q. What is her last name?

8 A. Dalton.

9 Q. Is there a land line phone at that address?

10 A. Yes.

11 Q. What is the phone number for that address?

12 A. I don't use it. I believe it's

13 (614)212-2060.

14 Q. What is your current phone number that you do
15 use? I'm not going to call you. There's some phone
16 records in issue in this case.

17 A. My personal phone number?

18 Q. Yes.

19 A. (614)395-3416.

20 Q. How long have you had that number?

21 A. I believe I switched to Verizon probably 2007
22 or 2008.

23 Q. Since 2009, July 2009, are there any other
24 phone numbers that you have used?

1 A. No.

2 Q. What is your date of birth?

3 A. May 9th, 1984.

4 Q. And are you married or single?

5 A. Single.

6 Q. Have you ever been involved in a lawsuit
7 before?

8 A. Not personally, no.

9 Q. Have you ever been involved in a lawsuit that
10 wasn't your own lawsuit?

11 A. No.

12 Q. I'm just trying to pick up on what you said,
13 "not personally".

14 Other than traffic tickets, have you ever had
15 any criminal convictions?

16 A. No.

17 Q. Can you tell me your educational background
18 from high school moving forward chronologically?

19 A. Do you mean when I attended or what degrees I
20 hold? Can you specify a little bit?

21 Q. Yes. First of all, did you graduate from
22 high school?

23 A. Yes.

24 Q. Where did you graduate from high school?

1 A. Westerville North High School.

2 Q. What year was that?

3 A. 2002.

4 Q. Did you go to college out of high school?

5 A. Yes.

6 Q. Where did you go?

7 A. Ohio State University.

8 Q. The main campus?

9 A. Yes.

10 Q. What years did you attend Ohio State?

11 A. I attended for part of the semester Fall
12 2002.

13 Q. For part of the semester you said?

14 A. Yes.

15 Q. I take it that means you did not complete the
16 semester?

17 A. No.

18 Q. What was the reason for not completing the
19 semester?

20 A. I had surgery.

21 Q. Did you return to Ohio State at some point?

22 A. I have returned to Ohio State, yes.

23 Q. When did you return to Ohio State?

24 A. In March of 2013.

1 Q. So after you left Ohio State in the Fall of
2 2002, what is the next educational institution you
3 attended?

4 A. I attended Columbus State Community College.

5 Q. When did you attend Columbus State?

6 A. I'm not entirely sure how long I attended,
7 but I started 2003, Spring 2003.

8 Q. Did you get a degree from Columbus State?

9 A. No.

10 Q. I know you don't know exactly how long you
11 attended there. Roughly, was it a semester? Was it a
12 couple of years?

13 A. I would say probably three semesters.

14 Q. After Columbus State, what is the next
15 educational institution you attended?

16 A. Bradford School of Columbus.

17 Q. When did you attend Bradford School?

18 A. I'm not sure of the exact date that I began
19 attending.

20 Q. Did you attend Bradford School directly after
21 you stopped going to Columbus State, or was there --

22 A. No.

23 Q. How long was there a break between Columbus
24 State and Bradford School?

1 A. Probably about four years maybe.

2 Q. What is Bradford School?

3 A. It is an accredited trade school I believe
4 would be the best way to describe it, career school.

5 Q. Where is it located?

6 A. Stelzer Road.

7 Q. Did you get a degree from Bradford School?

8 A. Yes.

9 Q. What degree did you get from Bradford School?

10 A. Associate of Applied Science as a veterinary
11 technician.

12 Q. What year did you get that degree?

13 A. 2009.

14 Q. And did you get that degree in the spring or
15 early summer of 2009?

16 A. Yes, it would have been summer.

17 Q. After Bradford School, did you attend any
18 other educational institutions before you returned to
19 Ohio State?

20 A. No.

21 Q. You indicated you returned to Ohio State in
22 March of 2013; is that correct?

23 A. Yes.

24 Q. Are you still attending Ohio State?

1 A. Yes.

2 Q. Are you working toward a particular degree?

3 A. Yes.

4 Q. What is that?

5 A. Bachelor's of Science in Zoology.

6 Q. Do you have a projected graduation date?

7 A. For the Bachelor's degree, projected after
8 spring semester of 2016, I believe.

9 Q. Are you in school full time?

10 A. Yes.

11 Q. Is that a day program?

12 A. Yes.

13 Q. Are you currently working anywhere?

14 A. Yes.

15 Q. Where are you working right now?

16 A. Right now I work for Healthy Pets of
17 Wedgewood.

18 Q. How long have you worked at Healthy Pets of
19 Wedgewood?

20 A. Since October of 2013. Yeah, October of last
21 year.

22 Q. What hours do you work at Healthy Pets of
23 Wedgewood?

24 A. I work roughly, I'd say, varying 12 to 20

1 hours a week, day shift.

2 Q. What is Healthy Pets of Wedgewood?

3 A. It is a veterinary clinic.

4 Q. Where is it located?

5 A. In Powell.

6 Q. Do you know what road it's on?

7 A. Attucks Drive.

8 Q. When did you begin working at OhioHealth?

9 A. I believe it was March or April -- I'm sorry.

10 I have to count back. 2005, I believe.

11 Q. What position did you begin employment at
12 OhioHealth?

13 A. Clinical receptionist.

14 Q. At what facility?

15 A. At Riverside Hospital.

16 Q. What department were you in?

17 A. Community medicine.

18 Q. Was that full time or part time?

19 A. It was full time.

20 Q. What shift was that?

21 A. It was day shift, 7:30 to 4:00 p.m.

22 Q. From clinical receptionist, did you move to
23 another position?

24 A. Yes.

1 Q. What was your second position at OhioHealth?

2 A. I transferred to medical records.

3 Q. At what facility?

4 A. Riverside.

5 Q. What department?

6 A. Medical records.

7 Q. Was that full time or part time?

8 A. That was full time.

9 Q. What shift was that?

10 A. It was night shift.

11 Q. What hours was night shift?

12 A. 11:00 p.m. to 7:00 a.m. I'm sorry. Did you
13 ask me what my position was there or initially where I
14 transferred to? I just want to clarify to make sure I
15 answered correctly.

16 Q. Sure. To tell you the truth, I couldn't
17 tell, but the record will reflect it, but I do want to
18 know when you were in medical records, what was your
19 position?

20 A. Senior medical records associate.

21 Q. When did you transfer to medical records?

22 A. I was in community medicine for about a year
23 and a half, so I would say late 2006.

24 Q. From senior medical records associate -- did

1 I get the title right?

2 A. Um-hmm.

3 Q. Did you move to a new position?

4 A. Yes.

5 Q. What was your next position?

6 A. Unit coordinator, patient care technician.

7 Q. What facility was that at?

8 A. Riverside Hospital.

9 Q. And what department?

10 A. Labor and delivery.

11 Q. When you moved there, was that full time or
12 part time?

13 A. Full time.

14 Q. What shift was that?

15 A. Night shift, 11:00 p.m. to 7:30 a.m.

16 Q. Is that the same position that you held up
17 until the events that give rise to this lawsuit?

18 A. Yes.

19 Q. At some point, did you switch from full time
20 to part time in that position?

21 A. No, I don't believe so.

22 Q. How many hours a week were you working in
23 that position?

24 A. 30-plus, I believe.

1 Q. What does that mean, 30-plus?

2 A. At least 30 hours a week.

3 Q. It was not a 40-hour-a-week job, correct?

4 A. It was most of the time, but I would
5 occasionally only get 30 or 32 hours.

6 Q. So does 30-plus mean you would be guaranteed
7 30-plus hours per week?

8 A. How are you using the term "guaranteed".

9 Q. Was your expectation that you would be
10 scheduled for at least 30 hours per week?

11 A. Yes.

12 Q. And being a 30-plus job, there was no
13 expectation that you would be guaranteed 40 hours a
14 week, correct?

15 A. The initial -- I guess the easiest way to
16 explain it is the initial position was 40 hours a week;
17 but on occasion, I would decrease to 30.

18 Q. Why would you decrease to 30?

19 A. Due to their scheduling needs, my scheduling
20 needs.

21 Q. What days of the week would you work?

22 A. It varied from week to week. I didn't always
23 have a set schedule there.

24 Q. If your records indicate you're a part-time

1 employee, do you dispute that you were less than full
2 time?

3 A. I don't recall ever being less than full
4 time.

5 Q. But you did say you were in a
6 30-plus-hour-a-week job, correct?

7 A. Yes.

8 Q. Not a 40-plus-hour-a-week, correct?

9 A. Correct.

10 Q. Did you have benefits at OhioHealth?

11 A. Yes.

12 Q. Did you have health insurance benefits
13 through OhioHealth?

14 A. Yes.

15 Q. Do you remember what your employee
16 contribution toward the healthcare insurance was?

17 A. I do not remember.

18 Q. What other benefits did you have at
19 OhioHealth?

20 A. Dental and vision coverage. I had a
21 healthcare savings plan and a retirement plan.

22 Q. Now, you indicated that during your
23 employment at OhioHealth, you transferred at least two
24 times, correct?

1 A. Yes.

2 Q. How would you find out about those positions
3 to transfer to?

4 A. On the OhioHealth internal job postings
5 board.

6 Q. So that was something that was available for
7 you to access on a computer, or is that something
8 that's actually posted on a bulletin board?

9 A. On a computer.

10 Q. And what type of jobs are listed in the
11 computer?

12 A. I think the best answer to that question
13 would be any jobs that any hiring managers within the
14 hospital have posted to it.

15 Q. And do you know whether that's just for the
16 Riverside facility, or is it for OhioHealth as an
17 organization?

18 A. I believe it was for OhioHealth as an
19 organization.

20 Q. So while you were employed at OhioHealth, you
21 had access to all the posted positions throughout the
22 organization, correct?

23 A. Yes.

24 Q. You indicated that you transferred twice.

1 Did you put in more than two transfer requests?

2 A. I believe at one point I did have an
3 additional request, yes.

4 Q. And I'm talking, just to be clear, prior to
5 August of 2009, had you applied for other positions
6 besides the two that you were able to transfer to?

7 A. Yes.

8 Q. Okay. Do you know how many positions you
9 applied for over the course of your employment at
10 OhioHealth up until August of 2009?

11 A. Up until August of 2009, I'm not sure of the
12 exact number over the entire course of my employment.

13 Q. Do you have a rough estimate of whether it
14 was one hundred or ten or one?

15 A. Or I would say to estimate, counting the two
16 that I transferred to, maybe four or five, if that.

17 Q. How would you apply for those transfers?

18 A. Do you mean what's the transfer process?

19 Q. Yes. What's the process you had to go
20 through to apply for a position that you found on the
21 computer?

22 A. Early on, you had to fill out a hard copy
23 paper, transfer request form, and later it went to
24 being computerized.

1 Q. So you'd locate a job you wanted, and you'd
2 fill out a form online saying "I'm interested in this
3 position?"

4 A. Yes.

5 Q. Would you have to submit anything else with
6 the transfer request other than just saying "I'm
7 interested in the position?"

8 A. I believe it generated a transfer application
9 that would be sent over.

10 Q. Did you get interviews for all the transfer
11 requests you put in up until August of 2009?

12 A. No.

13 Q. Prior to August of 2009, had you taken any
14 medical leaves while you were at OhioHealth?

15 A. Yes.

16 Q. When did you take medical leave before August
17 of 2009?

18 A. I'm not sure of the specific date.

19 Q. How long did you take medical leave for?

20 A. I believe it was for one to two days.

21 Q. Did you ever take an FMLA leave before August
22 of 2009?

23 A. Yes.

24 Q. How long was that leave for?

1 A. For the one to two days.

2 - - -

3 LEAVE OF ABSENCE APPLICATION, DATED
4 6/11/09, BATES-STAMPED EEOC V. OHC
5 161-162 WAS MARKED AS STONE
6 DEPOSITION EXHIBIT 1.

7 - - -

8 Q. Showing you a document which was marked as an
9 exhibit, Stone 1, do you recognize this document as a
10 leave of absence application that you submitted in June
11 of 2009?

12 A. I do not recall this specific occurrence of
13 submitting this, but this is my handwriting and my
14 signature on the form.

15 Q. But you have no recollection of being out for
16 this period of time in June of 2009?

17 A. It was a long time ago, but I do, after
18 reviewing this, remember being out.

19 Q. And OhioHealth allowed you to take this
20 leave, correct?

21 A. I believe so, yes.

22 Q. And when your leave was over, you came back
23 and returned to work; is that correct?

24 A. To the best of my knowledge, yes.

1 Q. It looks like there's a signature of a
2 Kimberly Stock, M.D. Do you know who Dr. Stock is?

3 A. Yes.

4 Q. Who is Dr. Stock?

5 A. She is my primary care physician.

6 Q. How long have you been seeing Dr. Stock?

7 A. Probably for at least 15 years.

8 Q. Where is Dr. Stock's office located?

9 A. In Westerville.

10 Q. Do you know what road in Westerville?

11 A. I believe the name of the road is Huber
12 Village Boulevard.

13 Q. If you look at the second page of this
14 document, it says, "Describe the medical facts that
15 support your certification," and it indicates
16 "Migraines, H/A, blurred vision." Do you see that?

17 A. Yes.

18 Q. Dr. Stock had not diagnosed you with
19 narcolepsy, correct? At least at this point, correct?

20 A. Not at this point, no.

21 Q. At some point, were you diagnosed with
22 narcolepsy?

23 A. Yes.

24 Q. And who diagnosed you with the narcolepsy?

1 A. Dr. Dan Jones.

2 Q. Do you remember when Dr. Jones diagnosed you
3 with narcolepsy?

4 A. It was in 2009; August, I believe.

5 Q. How did you end up seeing Dr. Jones?

6 A. I followed up with him after an ER visit.

7 Q. So you had some sort of event that lead you
8 to the ER?

9 A. Yes.

10 Q. When was that?

11 A. I know it was during the summer. I'm not
12 sure of the specific date.

13 Q. Were you admitted to the hospital at that
14 time?

15 A. No.

16 Q. Did the treaters in the ER refer you to
17 Dr. Jones, or did your primary care physician refer you
18 to Dr. Jones?

19 A. They recommended I follow up with a
20 neurologist in the ER.

21 Q. And which ER was that?

22 A. I believe it was Riverside's ER.

23 Q. Do you remember when you first saw Dr. Jones?

24 A. Yes.

1 Q. When was that?

2 A. It was following a seizure that I had.

3 Q. Was that seizure different than the event
4 that took you to the ER?

5 A. Yes.

6 Q. So just so I'm clear, when you left the ER
7 and they told you to see a neurologist, did you make an
8 appointment with a neurologist at that point in time?

9 A. I'm sorry. Can you repeat that?

10 Q. Sure. You said that you were in the ER.

11 They told you you should follow up with a neurologist.
12 So my question is, when you left the ER, did you make
13 an appointment with a neurologist at that point in
14 time, or did you wait until you had this seizure you
15 mentioned before you made an appointment?

16 A. The seizure was prior to my hospitalization
17 that lead to me following up with Dr. Jones. I had
18 seen him before.

19 Q. So when did you first see Dr. Jones?

20 A. The very first time I saw Dr. Jones, I
21 believe, would have been the Summer of 2005.

22 Q. Why did you see him in the Summer of 2005?

23 A. As a follow-up for the seizure that I had.

24 Q. So you had a seizure in 2005?

1 A. Yes.

2 Q. Did Dr. Jones diagnose you back in 2005 with
3 any neurological condition?

4 A. No.

5 Q. So fast forward from 2005 to the Summer of
6 2009. You said you had an episode that took you to the
7 ER, and they told you to follow up with a neurologist,
8 you then made an appointment with Dr. Jones at that
9 point in time?

10 A. Yes.

11 Q. So was this the first time you were scheduled
12 to see Dr. Jones since 2005?

13 A. No.

14 Q. Had you been treating with Dr. Jones between
15 2005 and 2009?

16 A. I had followed up with him.

17 Q. I want to focus now on the Summer of 2009 and
18 after you went to the ER and they said you needed to
19 follow up with a neurologist. You said you made an
20 appointment with Dr. Jones. So when did you see
21 Dr. Jones at that point?

22 A. Again, I'm not sure of the specific date of
23 my original appointment following my ER visit.

24 Q. Did Dr. Jones diagnose you with any condition

1 on your first visit to see him?

2 A. You mean during the initial visit following
3 the emergency room?

4 Q. Correct.

5 A. No, I don't believe he did on the initial.

6 Q. How many visits did you have with Dr. Jones
7 before he diagnosed you with a condition?

8 A. I'd say maybe two or three.

9 Q. Do you remember what condition he diagnosed
10 you as having?

11 A. He diagnosed me with narcolepsy.

12 Q. Did he put any restrictions on your ability
13 to engage in any activities at that point in time?

14 A. The only restrictions he gave me was that I
15 could not work night shift.

16 Q. Did you convey that restriction to
17 OhioHealth?

18 A. Yes.

19 Q. And who at OhioHealth did you first tell?

20 A. To the best of my memory, I believe I
21 mentioned it to my department supervisor first and as
22 well as Employee Health and Wellness.

23 Q. Who was your department supervisor?

24 A. Department supervisor would have been Mary --

1 her last name was Englehart or Eaglehart.

2 Q. When you told Ms. Englehart you had this
3 restriction, what was her response to you?

4 A. That I needed to -- I believe her response
5 was that I needed to speak with Employee Health and
6 Wellness.

7 Q. So did you go see Employee Health and
8 Wellness at the direction of Ms. Englehart, or had you
9 already done that?

10 A. I'm not entirely sure which floor I visited
11 first in that building when I went to figure out what I
12 needed to do.

13 Q. I take it if you don't know whether you saw
14 your supervisor or Employee Health and Wellness first,
15 you were familiar with Employee Health and Wellness
16 then?

17 A. At that point in time, I was familiar with
18 the existence of the department.

19 Q. When you requested your leave that's
20 reflected in Stone 1, did you visit Employee Health and
21 Wellness with respect to this leave?

22 A. I do not recall if I actually visited
23 Employee Health and Wellness or not.

24 Q. When you went to Employee Health and

1 Wellness, do you remember who you spoke with when you
2 first went there?

3 A. There would have been a receptionist sitting
4 at the front desk.

5 Q. What happened when you walked in and talked
6 to the receptionist?

7 A. Specifically I don't remember exact
8 conversation. I explained my diagnosis and told them
9 my doctor's instructions, and I was told that I would
10 need to meet with a caseworker.

11 - - -

12 NOTE TO MS. MILLER FROM MS. SIPES,

13 DATED 8/31/09, BATES-STAMPED EEOC

14 V. OHC 487 WAS MARKED AS STONE

15 DEPOSITION EXHIBIT 2.

16 - - -

17 Q. I've placed before you what has been marked
18 as Stone 2, which is a document we have produced in
19 this case, and I realize this is not a message that was
20 sent to you, but I was wondering if this might help
21 refresh your memory about who you met and what
22 happened. First of all, the date of this is August 31,
23 2009. Does that seem about the time you first went to
24 Employee Health and Wellness or Associate Health and

1 Wellness?

2 A. I missed the first part of that. I'm sorry.

3 Could you repeat it?

4 Q. Yes. This document is dated August 31, 2009,
5 and I was wondering if that seems about the time that
6 you first went to Associate Health & Wellness?

7 A. I believe the first time I went to Associate
8 Health & Wellness was August 10th, 2009.

9 Q. Do you have any records that reflect that?

10 A. I am not sure.

11 Q. So why do you think it was August 10th, 2009?

12 A. That was the day that I was diagnosed with
13 narcolepsy and was told that I could not work night
14 shift by Dr. Jones.

15 Q. Why do you remember that being August 10th of
16 2009?

17 A. I'm not sure. It's just the date that I
18 remember.

19 Q. When you first went into Associate Health and
20 Wellness, did you just speak with the receptionist, or
21 did you get to speak with anyone else there?

22 A. As far as I remember, it was just the
23 receptionist on the initial date that I stopped in.

24 Q. Was there a meeting set up with you to

1 meet -- did the receptionist set up a meeting for
2 somebody to meet with you?

3 A. I'm not sure.

4 Q. Do you know when you next went back to
5 Associate Health & Wellness?

6 A. The next time I went back was to meet with my
7 caseworker.

8 Q. Do you know when that was?

9 A. I believe it was roughly about a week after I
10 had stopped in.

11 Q. Who was the caseworker that you met with?

12 A. Nancy Miller.

13 Q. So this document that I've shown you is from
14 Kathy Sipes. Do you recall meeting Kathy Sipes?

15 A. The name does not ring a bell, but she may
16 have been the person working at the reception desk when
17 I went in.

18 Q. So do you believe that this is inaccurate
19 where she says on August 31, 2009, that she had a
20 walk-in conversation with you on that date?

21 A. I am not sure.

22 Q. So when you first informed Associate Health
23 and Wellness that you couldn't work nights, did
24 anything change about your employment?

1 A. How do you mean?

2 Q. Did they take you off the schedule for
3 nights?

4 A. I did come off the schedule for night shift.

5 Q. Do you remember when you came off the
6 schedule for night shift?

7 A. I believe it was effective immediately.

8 Q. Do you remember when that date was?

9 A. No.

10 Q. We'll look at some other documents later, but
11 I haven't seen -- I'm just sort of curious about this
12 August 10th date, and you say you have no documents
13 that support the fact that the first time you went to
14 the Associate Health and Wellness was August 10th?

15 A. Not that I can think of right now.

16 Q. Did you bring any documents to Associate
17 Health and Wellness with you when you first went?

18 A. I believe I brought a note from my physician.

19 Q. Do you have a copy of that note?

20 A. No, I do not.

21 Q. Does your doctor have a copy of that note?

22 A. I do not know.

23 Q. Have you requested your doctor's medical
24 records?

1 A. Yes.

2 Q. Have you received your doctor's medical
3 records?

4 A. I have.

5 Q. Have you produced your doctor's medical
6 records?

7 A. What do you mean?

8 Q. Well, we've requested your doctor's medical
9 records; and late last night, I received about ten
10 pages of records, but none of them which are very
11 helpful, and there's no note in here. So I was
12 wondering -- how thick were the medical records you
13 received from your doctor?

14 A. I do not know. It was an electronic file.

15 Q. So you have an electronic file somewhere of
16 your medical records?

17 A. My doctor's office does.

18 Q. And were they produced to you?

19 A. Yes.

20 Q. In electronic form or paper form?

21 A. In electronic form.

22 Q. So you have them on your computer somewhere?

23 A. I do not believe I saved them to my computer.

24 Q. Were they in an e-mail? How did they

1 communicate those to you?

2 A. I believe they sent it through e-mail.

3 Q. Did you review the medical records when you
4 received them?

5 A. Not -- no.

6 Q. Did you have to pay for the records?

7 A. No.

8 Q. Did you ever provide this note to the EEOC?

9 MS. LAWS: Objection.

10 Q. You can answer the question.

11 A. To my knowledge, I -- honestly, I don't know
12 if I did or not.

13 Q. So is it your testimony that the first
14 person, other than the receptionist, that you spoke to
15 was Nancy Miller in Associate Health and Wellness?

16 A. I believe Nancy Miller was the second person
17 that I met with, spoke with in Employee Health and
18 Wellness.

19 Q. Between the time that you walked into
20 Associate Health and Wellness and the time you met with
21 Nancy Miller, were you taken off the schedule?

22 A. I believe so.

23 Q. Were you offered any other hours other than
24 your night shift hours?

1 A. Yes.

2 Q. What hours were you offered?

3 A. Evening shift hours.

4 Q. And who offered you the evening shift hours?

5 A. My supervisor.

6 Q. And what hours were you offered?

7 A. It was evening shift, so it would be between
8 the hours of 3:30 p.m. to 11:00 p.m.

9 Q. Did you work those hours?

10 A. I believe I did work a few of the shifts.

11 Q. Do you remember when you started working
12 those shifts?

13 A. No, I don't remember.

14 Q. Do you remember when you stopped working
15 evening shifts?

16 A. I don't remember the date.

17 Q. Do you remember why you stopped working
18 evening shifts?

19 A. Yes.

20 Q. Why is that?

21 A. Because I followed up with my neurologist,
22 Dr. Jones, and he further specified day shift only.

23 Q. Do you remember when that was?

24 A. I'm not sure of the exact date.

1 Q. Do you remember when your first meeting with
2 Nancy Miller was?

3 A. I believe it would have been on -- I believe
4 it was September 10th.

5 Q. Tell me what you and Ms. Miller discussed in
6 your first meeting.

7 A. We discussed my restrictions and discussed
8 the plan as far as temporarily picking up in evenings
9 in the department I was working in at the time. I
10 believe the initial meeting with her was relatively
11 brief.

12 Q. And your restrictions at that time as you
13 understood them were no night shift, correct?

14 A. Correct.

15 Q. So you did get set up on evening shift,
16 correct?

17 A. Yes.

18 Q. Did you have a follow-up meeting then with
19 Ms. Miller?

20 A. I believe I met with her again when my doctor
21 specified day shift only.

22 - - -

23 "DISABILITIES AND REASONABLE
24 ACCOMMODATIONS POLICY, ASSOCIATE

1 REQUEST FOR ACCOMMODATION FORM, "
2 DATED 9/18/09, EEOC V. OHC
3 BATES-STAMPED 168 WAS MARKED AS
4 STONE DEPOSITION EXHIBIT 3.

5 - - -

6 Q. I'm showing you what has been marked as
7 Exhibit 3. I'm going to also mark and show you Exhibit
8 4.

9 - - -

10 "DISABILITIES AND REASONABLE
11 ACCOMMODATION POLICY, DOCUMENTATION
12 OF DISABILITY/FUNCTIONAL
13 LIMITATIONS FORM," DATED 9/18/09,
14 BATES-STAMPED EEOC V. OHC 166-167
15 WAS MARKED AS STONE DEPOSITION
16 EXHIBIT 4.

17 - - -

18 Q. Do you recognize Exhibits 3 and 4?

19 A. Yes.

20 Q. Exhibit 3 is titled "Disabilities and
21 Reasonable Accommodation Policy, Associate Request for
22 Accommodation Form;" is that correct?

23 A. Yes.

24 Q. And this is your signature at the bottom of

1 the form?

2 A. Yes.

3 Q. The date on the form is September 18th, 2009;
4 is that correct?

5 A. Yes, that is correct.

6 Q. Is this the date that you submitted this to
7 Associate Health and Wellness?

8 A. I believe so, yes.

9 Q. Where did you get this form?

10 A. I believe -- I'm not entirely sure. I don't
11 remember specifically where I got it from.

12 Q. Did Ms. Miller provide you with a copy of
13 this form when you met with her the first time?

14 A. She may have.

15 Q. And the accommodation request that you were
16 seeking is a day shift position, correct?

17 A. Yes.

18 Q. And if you look at Exhibit 4, this form is
19 entitled "Disabilities and Reasonable Accommodation
20 Policy, Documentation Of Disability/Functional
21 Limitations Form." Do you see that?

22 A. Yes.

23 Q. And this is to be completed by the diagnosing
24 professional? Do you see that in the upper right-hand

1 corner?

2 A. Yes.

3 Q. Is this a form that you then had your doctor
4 complete?

5 A. Yes.

6 Q. Is this a form that Ms. Miller provided to
7 you in your first meeting with her?

8 A. I believe I received this form when I
9 received the form that's labeled Stone 3.

10 Q. But did you get these from Associate Health
11 and Wellness?

12 A. Again, I'm not entirely sure.

13 Q. You took Exhibit 4 to Dr. Jones and had him
14 complete it; is that correct?

15 A. Yes.

16 Q. And I notice that the restrictions, he
17 indicates "No work restriction except needs day shift
18 for sleep disorder/narcolepsy." Do you see that?

19 A. Yes.

20 Q. Is this a time when you believe he changed
21 your restrictions from no night shift to you need to
22 work day shift?

23 A. Yes.

24 Q. And did you bring these forms in and talk

1 with Ms. Miller about the new diagnosis and
2 restrictions?

3 A. I submitted them immediately upon completion.
4 I believe, to my understanding, Ms. Miller received
5 them the same day.

6 Q. Do you remember how you submitted them?

7 A. I believe I submitted them in person to
8 Associate Health and Wellness.

9 Q. On the day you submitted them, do you recall
10 whether you talked with anybody?

11 A. I do not recall.

12 Q. At some point, did you meet with Ms. Miller
13 to discuss your need to work day shift?

14 A. Yes.

15 Q. Was that the next meeting you had with
16 Ms. Miller?

17 A. Yes.

18 Q. Tell me about -- first of all, do you know
19 when that conversation occurred?

20 A. I am not sure of the exact date.

21 Q. Tell me what you remember about that
22 conversation.

23 A. I remember Ms. Miller explaining to me that
24 there were no day shift hours available in labor and

1 delivery. She explained that I would need to be placed
2 in a different department for a day shift position, and
3 she recommended for me to take a leave of absence until
4 a position could be -- until I could be placed into a
5 position. Mainly her focus for that was so that I
6 wasn't not receiving any pay during the time that I was
7 waiting to get back to work on day shift.

8 She was very confident that it would take a
9 few weeks, said there were plenty of positions open,
10 and I felt pretty confident in her commitment. She
11 said she was making it a priority and that I would be
12 given priority for interviews because it was an
13 accommodation request.

14 She instructed me to check on the job board
15 and just browse through the internal job postings and
16 apply for any that I could.

17 Q. Had you asked Nancy Miller or expressed to
18 Nancy Miller your desire to stay in labor and delivery?

19 A. I believe that I was open to going to another
20 department since labor and delivery did not have day
21 shift available.

22 Q. Right. I was wondering whether you had asked
23 Ms. Miller if you could stay in labor and delivery and
24 that's how she knew there was nothing available in

1 labor and delivery.

2 A. I'm not sure how she knew there was nothing
3 available in labor and delivery.

4 - - -

5 LOG BATES-STAMPED EEOC V. OHC

6 470-486 WAS MARKED AS STONE

7 DEPOSITION EXHIBIT 5.

8 - - -

9 Q. Again, I placed before you a document that we
10 produced to you in discovery which has been identified
11 as Stone 5. I realize that these are not your notes,
12 but wanted to at least let you follow along while I
13 asked you questions to see whether it refreshes your
14 memory or not. This is a log that's in reverse
15 chronological order. So actually to put it in
16 chronological order, I'm going to start at the back of
17 the document on page 17.

18 So the first note indicates that on
19 August 31, 2009 -- it's a note from Ms. Miller that
20 says that you had walked in and "Stated just came from
21 physician and was told can no longer work night shift
22 at all." Do you recall having a conversation with
23 Ms. Miller at the end of August where you told her
24 that?

1 A. I remember having a conversation with
2 somebody. I'm not sure of the specific date or who it
3 was when I went there, but I did go there right after
4 seeing my doctor.

5 Q. And, actually, I realize looking at this the
6 user name is N. Miller, but at the end it say K. Sipes.
7 You don't recall Ms. Sipes?

8 MS. LAWS: Objection; asked and answered.

9 Q. You can answer.

10 A. I don't recall the specific name.

11 Q. Do you have any documentation to show that
12 the August 31st date is inaccurate?

13 A. Not to my knowledge.

14 Q. So after you presented Associate Health and
15 Wellness Exhibits 3 and 4 indicating you needed to work
16 day shift and you had your initial conversation with
17 Ms. Miller about that, did you continue to have
18 conversations with Ms. Miller about trying to find a
19 day shift position?

20 A. I'm not sure what you mean by continue to
21 have conversations with her. Do you mean did I meet
22 with her regularly?

23 Q. Well, I'll break it down for you. Did you
24 have any additional in-person meetings with Ms. Miller?

1 A. I don't believe after the second meeting that
2 we met again in person.

3 Q. And the second meeting, meaning the meeting
4 where you discussed Exhibits 3 and 4?

5 A. Yes.

6 Q. Okay. You discussed your restriction to day
7 shift only?

8 A. Correct.

9 Q. So after that meeting, you don't believe you
10 had any more in-person meetings with Ms. Miller?

11 A. No, I don't believe so.

12 Q. Did you and Ms. Miller talk on the telephone?

13 A. Yes.

14 Q. How often did you and Ms. Miller talk on the
15 phone?

16 A. Very infrequently.

17 Q. How do you define very infrequently?

18 A. I would say -- are you wanting a number, or
19 like just an explanation?

20 Q. You used the term "very infrequently". I'm
21 trying to find out what you mean by very infrequently.
22 Are we talking about once a week, once every other
23 week?

24 A. I actually maybe heard from her once every

1 three to five weeks.

2 Q. When you say you heard from her, what does
3 that mean; that you actually spoke on the phone or that
4 she left you a message or what?

5 MS. LAWS: Objection; compound question.

6 Q. You can answer.

7 A. Most of our communication was through
8 voicemail.

9 Q. So when you say you only heard from her once
10 every three to five weeks, are you saying you would
11 receive a voicemail every three to five weeks?

12 A. Yes, I would receive a phone call and
13 voicemail roughly every three to five weeks, but not
14 strictly every three to five weeks. That's an
15 estimate.

16 Q. Was she calling you, or were you calling her?

17 A. That's how often she would call me. That's
18 how often I would hear from her.

19 Q. Okay.

20 A. I called her probably at least two or three
21 times a week, maybe sometimes multiple times in one
22 day.

23 Q. What were the nature of your calls to her?

24 A. To follow up -- she had instructed me to let

1 her know any positions that I had applied for, to find
2 out from her how things were progressing, if I needed
3 to do anything else to try and stay on top of things
4 and keep things progressing.

5 Q. How many times did you actually speak with
6 her?

7 A. Maybe -- over the course of what period of
8 time? Start to finish? The whole process?

9 Q. Start to finish.

10 A. I think maybe once or twice, possibly three
11 times.

12 Q. Have you had a chance to review the document
13 that we produced in discovery that I've marked as
14 Exhibit 5?

15 A. No.

16 Q. Have you seen any of the documents that we've
17 provided as part of the litigation?

18 MS. LAWS: Objection.

19 A. Yes.

20 Q. Did you keep any contemporaneous notes of the
21 times that you spoke with Ms. Miller?

22 A. I'm sorry?

23 Q. Did you keep notes -- did you keep a diary or
24 anything like that that reflected the times when you

1 called Ms. Miller and the times she called you?

2 A. No.

3 Q. If you look through this document, it
4 reflects several phone calls between you and
5 Ms. Miller, or voicemails. For example, if you look on
6 page 16, it's indicates that there was communication on
7 September 15th; and if you look at page 15, it
8 indicates that there's communication on September 18th.
9 If you look at page 14, it indicates there's
10 communication on September 24th. If you look at page
11 13, it indicates that there's communication on
12 October 2nd, October 5th, October 12th. Do you see
13 that?

14 A. Give me just one second. I'm still looking
15 at the September 24th. I do not see where there was
16 communication.

17 Q. On page 14?

18 A. Yes.

19 MS. LAWS: Perhaps you could point out a
20 specific paragraph or segment.

21 Q. It's underneath the first line. It says, "PC
22 to EE. Left voicemail to voicemail."

23 A. I thought you were referring to instances
24 where we actually spoke. So are you considering a

1 voicemail communication?

2 Q. Yes. You said you communicated a lot through
3 voicemail.

4 A. Okay.

5 Q. So in addition to actually speaking, I guess
6 my -- at least looking at this log here, which I
7 understand is not your log, but this log indicates that
8 Ms. Miller was in communication with you a lot more
9 frequently than you recall, and I was wondering whether
10 this changes your recollection?

11 A. I do not recall her contacting me this
12 frequently.

13 Q. Do you have any evidence that she fabricated
14 these entries?

15 MS. LAWS: Objection.

16 A. I believe my phone records would reflect how
17 often she actually called my phone.

18 Q. If you look on page 12, there's an entry from
19 October 16th. It's the first entry on the page.

20 A. Okay.

21 Q. And it's discussing a possible opportunity
22 for a job 3:00 to 7:00 p.m. Do you remember there
23 being some discussion about putting you on a job 3:00
24 to 7:00 p.m.?

1 A. This wasn't to put me in a job 3:00 to
2 7:00 p.m. It was to pick up a four-hour shift in labor
3 and delivery from that time period during that time.

4 Q. So was that something that Ms. Miller
5 identified for you?

6 A. No.

7 Q. How did that come about?

8 A. The labor and delivery department manager
9 called me and said that her evening shift person had
10 called off, and wanted to know if I was able to come in
11 and work from 3:00 to 7:00 p.m. I told her that I
12 wasn't sure, that I didn't think I was allowed to, and
13 I would have to check with Nancy Miller, and made
14 several attempts to reach Nancy, and didn't hear back
15 from her, so consequently told the manager that I could
16 not pick up the shift.

17 Q. On page 11, there's a note from October 16th
18 that indicates that a call from you was transferred to
19 Rose Cacioppo. Do you remember speaking with Rose?

20 A. The name does not ring a bell.

21 Q. So that's also on the 16th. Was this shift,
22 this 3:00 to 7:00 shift -- is it your testimony that
23 was just to work one night, or was it to work multiple
24 nights?

1 A. It was just to work one four-hour shift due
2 to a call-off.

3 Q. And you say you don't recall talking to Rose?

4 A. I may -- it may have been somebody I spoke
5 with when I was attempting to reach Ms. Miller. I made
6 several attempts to call, and I don't recall the names
7 of each person I spoke with.

8 Q. Looking back on page 13, do you see the
9 entry -- there's an entry, it's the fourth one down
10 from October 2nd, and it says, "Phone call to employee
11 to discuss job leads; however, an alternative emergent
12 phone call was received and case manager was unable to
13 complete phone conversation with associate. Return
14 call to the associate approximately 20 minutes. Left a
15 voicemail asking for return call to continue
16 conversations." Do you see that?

17 A. Yes, I see that.

18 Q. Did that conversation occur?

19 A. I do recall a phone call with Ms. Miller
20 where she had to -- within seconds of answering, she
21 immediately had to get off the line, and said she would
22 call me back, but I do not have any recollection -- I
23 don't have any memory of her calling me back. I did
24 not receive any voicemail.

1 Q. If you look at page 10, there's an entry at
2 the bottom of the page from October 20th where it says,
3 >Contact with employee. Reviewed jobs that were
4 located. Employee has applied for them and CM will
5 follow up with ES contact." Do you see that?

6 A. Yes.

7 Q. Do you recall that conversation occurring?

8 A. I do have some recollection of a conversation
9 to that extent, yes.

10 Q. Do you remember anything more about the
11 conversation than what is listed on page 10?

12 A. Are you able to tell me what ES stands for
13 and what EE is referring to?

14 Q. I believe EE is shorthand for employee.

15 A. Okay.

16 MS. D'ANDREA: ES is environmental services.

17 Q. ES is -- I'm not exactly sure. It may be
18 environmental services, but I can't say for sure.

19 A. I do not remember any conversations regarding
20 environmental services.

21 Q. Do you remember a conversation with Nancy
22 Miller, though, where you talked about you reviewed
23 jobs that were located and, in effect, you had applied
24 for some jobs?

1 A. Yes.

2 Q. Then if you look at page 9, at the bottom of
3 the page there's an entry from October 23rd, which
4 says, "I told Laura that it would be around 29/30
5 before we had more information about these positions.
6 So she is not expecting news any sooner. I will hold
7 off talking with her until you let me know it's okay to
8 do so."

9 Do you remember having a conversation with
10 Ms. Miller where she told you that you wouldn't hear
11 any information until the 29th or 30th?

12 A. No.

13 Q. Right above that, there's an entry from
14 October 28th, and it says, "PC" -- which I believe
15 means phone call -- "to EE to see if she had been
16 contacted by EmmaLee P. re: Dublin job. Left
17 voicemail."

18 Do you recall receiving a voicemail from
19 Ms. Miller to see if you had been contacted by EmmaLee?

20 A. I remember receiving a voicemail from
21 Ms. Miller stating that I should be expecting a phone
22 call from someone at Dublin, but I do not remember a
23 voicemail on her following up to see if they actually
24 called me.

1 Q. On page 8, there's an entry from November 5th
2 where it says, "Contact with EE. Advised her that WAPS
3 has contacted Employment Spec, but that EmmaLee is out
4 of office until 11/9. Will update her once response is
5 received from ES." Do you see that?

6 A. Yes.

7 Q. Do you recall talking to Ms. Miller and
8 receiving that information?

9 A. I recall receiving a voicemail from her
10 stating that the supervisor at Dublin was going to be
11 out of her office, and that she would let me know as
12 soon as she found out why I had not heard from her yet.

13 Q. At the top of the page, same page, there's an
14 entry from November 16th that says, "Contact with
15 employee to provide update from HR at Dublin and to set
16 meeting date. Need to update rehab plan and set new
17 goals, et cetera." Do you see that?

18 A. Yes.

19 Q. Do you recall having a conversation with
20 Ms. Miller where that was discussed?

21 A. I recall a -- I do remember a voicemail where
22 she wanted to update the rehab plan, and had mentioned
23 that Dublin was not going to be calling me. I do not
24 recall exactly what date that was on.

1 Q. If you look at page 7, there's a second phone
2 call from your entry from November 16th. This one at
3 1:12 p.m., indicating "Spoke with employee. She has
4 not applied for anything besides Dublin positions. She
5 will look at JB on 11/18, as will WPAS." Do you see
6 that?

7 A. Yes.

8 Q. Do you remember having a conversation with
9 Ms. Miller where this information was discussed?

10 A. Absolutely not.

11 Q. At the top of this page, there's an entry of
12 December 9th that says, "PC to employee. Left
13 voicemail to see if she would be interested in job at
14 Grady." Do you recall Ms. Miller calling you and
15 asking you if you'd be interested in a job at Grady?

16 A. I recall that being mentioned in a voicemail,
17 but I believe it was the same voicemail where she had
18 mentioned updating my plan that you pointed out on the
19 previous page.

20 Q. On page 6, there's an entry from
21 December 14th, 2009, which says "Received call from
22 employee. Did not leave new phone number. Tried to
23 call old number. Left voicemail." Do you see that?

24 A. Yes.

1 Q. So, first of all, did you change phone
2 numbers around this time?

3 A. No.

4 Q. Did you ever have a conversation with
5 Ms. Miller that you recall about not having your phone
6 number?

7 A. No.

8 Q. Did you ever have a discussion with
9 Ms. Miller where you indicated to her that you weren't
10 receiving messages from her?

11 A. I don't believe we had a conversation in
12 person regarding that. I may have mentioned it in a
13 voicemail that I left for her stating that I haven't
14 heard back from her.

15 Q. If you look directly above that, after it
16 says "New phone 395-3416," and that's an entry of
17 12/21/2009. Do you see that? Do you see the entry I'm
18 looking at in the middle of the page?

19 A. Yes.

20 Q. Did you call Ms. Miller and give her a new
21 phone number for you?

22 A. No.

23 Q. Did Ms. Miller ever tell you that she was
24 leaving messages that weren't being returned?

1 A. No.

2 MS. LAWS: Dave, I'm sorry to interrupt. I
3 notice it's 11:00, and Ms. Stone alerted me earlier
4 that she has to take medications a couple times a day,
5 so if we could take a few minutes.

6 MR. WHITCOMB: Perfect.

7 MS. LAWS: Thank you.

8 (Short recess taken.)

9 BY MR. WHITCOMB:

10 Q. We just took a break so you could take some
11 medication. I'm not necessarily wanting to know what
12 medication you're taking, but does your medication in
13 any way affect your ability to testify truthfully?

14 A. No.

15 Q. And there's no reason you can't testify
16 truthfully today?

17 A. No reason.

18 Q. Going back to this log that we've been
19 looking at, Stone 5, there's an entry on page 5, which
20 is from -- it's actually a note from Nancy Miller to
21 Kerry Huston, but it says, "Feel free to contact Laura
22 Stone at 345-3476." Are you familiar with that phone
23 number?

24 A. No.

1 Q. Have you ever used that phone number?

2 A. No.

3 Q. Do you know whose number that is?

4 A. No.

5 Q. On page 4, there's an entry which says

6 "Contact with employee." It's 12/21/09, and it says,

7 "Contact with employee to confirm new phone number."

8 Do you recall having a conversation with Ms. Miller

9 where she confirmed your new phone number?

10 A. No.

11 Q. I was looking at the phone records that were

12 provided; although, they're substantially redacted, but

13 there are two numbers here that are listed on your

14 calling plan. One is (614)395-3416. Is that your cell

15 phone?

16 A. Yes.

17 Q. There's another number that's listed as

18 (614)395-2341. What is that number?

19 A. That was a second line that was on the

20 account.

21 Q. And who uses that phone?

22 A. My boyfriend at the time.

23 Q. What is his name?

24 A. Aaron Ward.

1 Q. How is that spelled?

2 A. A-a-r-o-n W-a-r-d.

3 Q. Did you ever live with Aaron Ward?

4 A. Yes.

5 Q. What was the address you lived at with Aaron
6 Ward?

7 A. I am not sure. It was off of East Broad
8 Street in an apartment complex. I believe it was on
9 Rosalind Court.

10 Q. What period of time did you live with Aaron
11 Ward?

12 A. I lived with him for the duration of most of
13 my employment at Riverside.

14 Q. When did you stop living with him?

15 A. I believe I moved back in with my mother -- I
16 moved out, I believe, during the Summer of 2009.

17 Q. So you stopped living with Aaron Ward before
18 you were diagnosed with narcolepsy?

19 A. I believe so.

20 Q. At the address that you lived with Aaron
21 Ward, was there a land line?

22 A. No.

23 Q. Did he have any other phones?

24 A. No, not to my knowledge.

1 Q. These phone bills are addressed to 1660
2 Milford Avenue. Who lives at 1660 Milford Avenue?

3 A. That's my father's address.

4 Q. What is his name?

5 A. Michael Stone.

6 Q. Does he have a land line there?

7 A. Currently, no. I'm not sure if he did --

8 Q. In 2009?

9 A. No, I'm not sure.

10 Q. So looking back at page 4 of our exhibit,
11 this entry on 12/21/09 where it says "Contact with
12 employee to confirm new phone number," is it your
13 testimony that you don't recall any conversations with
14 Nancy Miller about your phone number?

15 A. I do not, no.

16 Q. Is it possible that it happened and you just
17 don't recall it, or are you saying it didn't happen?

18 A. I'm saying I do not remember it happening.

19 Q. If you look at page 3 of our document,
20 there's an entry at the very top of the page from
21 January 15th, 2010. It says, "PC to EE. Left
22 voicemail to provide EE with job leads." Do you recall
23 a conversation in January of 2010 where Ms. Miller left
24 you a voicemail with some job leads?

1 A. No.

2 Q. If you look at page 2, at the top, Nancy
3 Miller made a note about identifying you as somebody
4 who might be interested in an intern position. Did you
5 have a conversation with Ms. Miller where she talked to
6 you about potentially interviewing for an intern
7 position?

8 A. No.

9 Q. You don't recall anything about an intern
10 position?

11 A. I do not recall speaking with Ms. Miller
12 about an intern position.

13 Q. Did you ever trade voicemail messages about
14 an intern position?

15 A. I may have called her in regards to it, but I
16 did not receive any contact from her regarding an
17 intern position.

18 Q. If you look at page 1 of the document,
19 there's an entry from January 28th, which says "Advised
20 employee that Amiel would be calling to set up
21 interview for work trial." Do you recall that
22 conversation or message?

23 A. No.

24 Q. Do you remember Ms. Miller discussing with

1 you the possibility of a work trial?

2 A. No.

3 Q. There's an entry on February 8th, 2010. It
4 says, "Follow up on any job leads provided by
5 employee." Did you provide Ms. Miller with job leads?

6 A. I always contacted her and left information
7 about any positions I had applied for.

8 Q. Let's talk about the job you applied for in a
9 second, but I want to show you another exhibit before
10 we get to that.

11 - - -

12 "TRANSCRIPT OF VOICE MESSAGES,
13 BATES-STAMPED EEOC 159-160 WAS
14 MARKED AS STONE DEPOSITION EXHIBIT
15 6.

16 - - -

17 Q. Showing you what has been marked as Exhibit
18 6, which is a document that was produced to us in this
19 litigation. On the top it says these are
20 transcriptions of voice messages. Are you familiar
21 with this document?

22 A. Yes.

23 Q. Who transcribed the voice messages?

24 A. My sister.

1 Q. What is her name?

2 A. Lindsay Stone.

3 Q. Where does she live?

4 A. She is in the process of moving back into my
5 mom's house.

6 Q. Where was she living at the time that she
7 transcribed these messages?

8 A. I'm not sure. She was in school.

9 Q. Why did she transcribe the messages?

10 A. I'm not sure. She offered to help me.

11 Q. During this time period, were you living with
12 your sister?

13 A. No. She was home visiting.

14 Q. These messages that she transcribed, what
15 phone or voicemail service did she transcribe them
16 from?

17 A. From my cell phone voicemail.

18 Q. And tell me the process she went through to
19 transcribe them.

20 MS. LAWS: Objection.

21 A. I played the voicemails on speaker phone, and
22 she typed word for word what was being said in the
23 voicemail.

24 Q. And where are the voicemail messages

1 themselves right now?

2 A. They were somehow deleted off the voicemail
3 history on my phone.

4 Q. When do you believe that happened?

5 A. Maybe a year and a half to two years ago I
6 noticed that they were no longer on there.

7 Q. Had you taken any efforts to preserve them?

8 A. Yes.

9 Q. What efforts did you take to preserve them?

10 A. I would say about once every one to two
11 weeks, I would listen to all of the messages and resave
12 them; because after so much time of being saved, they
13 automatically get deleted.

14 Q. Did you make any efforts to have them saved
15 onto a hard drive or out of your voicemail box?

16 A. Yes.

17 Q. What became of those efforts?

18 A. The recording would not pick up anything with
19 static, and you could not understand anything. It was
20 just garble.

21 Q. Did you provide the actual voice messages to
22 the EEOC at any time?

23 A. No.

24 Q. Did they ever ask you for your phone so they

1 could transcribe them and record them in a different
2 format?

3 A. No.

4 Q. This document is on your representation
5 transcriptions of six voicemail messages, correct?

6 A. Yes, there's six voicemail messages
7 transcribed here.

8 Q. Would you agree with me that the first
9 voicemail message transcribed was on November 5th?

10 A. Yes.

11 Q. Isn't it true that Ms. Miller had called you
12 several times before November 5th?

13 A. I'm not sure.

14 Q. This only reflects, I presume, the voicemail
15 messages that were in your phone at the time your
16 sister transcribed these, correct?

17 A. This, I saved -- to the best of my knowledge,
18 I saved every voice message that ever came through on
19 my phone from Ms. Miller up until the point when it was
20 transcribed.

21 Q. And you'd agree that your phone somehow is
22 automatically deleting calls, correct?

23 A. It deleted these calls roughly two years,
24 maybe a year and a half, two years after they were

1 transcribed.

2 Q. So is it your testimony you received no
3 voicemail messages from Ms. Miller before November 5th,
4 2009?

5 MS. LAWS: Objection.

6 A. I don't recall any voicemails before the
7 November 5th.

8 Q. The December 17th voicemail indicates a job
9 at Grady that says was not on the job board so there's
10 only going to be you and one other person interviewing
11 for it. Do you see that?

12 A. Yes.

13 Q. Is that something special that Ms. Miller set
14 up for you?

15 A. I'm not sure if it was actually set up,
16 because I never heard from the person that she said
17 would be calling me.

18 Q. If you look at the January 18th message, it
19 looks like she actually gave you more information, and
20 it says, "It looks like Grady is not going to fill that
21 position." Do you see that?

22 A. Yes.

23 Q. And then she does indicate in a voicemail
24 recording by your sister, "So I did look on the board

1 and saw some other job opportunities and wanted to
2 discuss those with you." Do you see that?

3 A. Yes.

4 Q. So Ms. Miller did call you and talk to you
5 about job opportunities, correct?

6 MS. LAWS: Objection.

7 A. This transcription reflects she left a
8 voicemail saying that she wished to discuss jobs.

9 Q. Do you recall calling her back?

10 A. I did attempt to call her back.

11 Q. Do you have any documents that show you
12 called her back?

13 A. My phone bills should reflect that I made
14 attempts to call her back.

15 Q. If you look at the same entry on the 18th of
16 January, she also says according to the transcription
17 from your sister, "But if you want to look online and
18 check out the PCA jobs and unit coordinator jobs that
19 are available, take a look at them and inform me of the
20 ones that would fit, I would appreciate it." Do you
21 see that?

22 A. Yes.

23 Q. So she was continuing to encourage you to
24 look at the job board, correct?

1 A. Correct.

2 Q. Did you call her back with any jobs that you
3 had identified that you were interested in?

4 A. Yes.

5 Q. Did you apply for those jobs?

6 A. I was only -- I'm not sure if I was able to.

7 Q. What do you mean by that?

8 A. Through the computer system, you could only
9 have two active transfer requests at a time. It
10 wouldn't let you submit more than that.

11 Q. Do you have any documentation that said a
12 request was not acceptable because you had two active
13 transfer requests?

14 A. I do not have any documentation of that, no.

15 Q. Did you ever tell anybody that you were
16 unable to apply for a job because you had two active
17 transfer requests?

18 A. I believe in one of the meetings with
19 Ms. Miller when she encouraged me to just keep applying
20 for them as I could, it was because I had mentioned to
21 her that I couldn't put more than two requests in at a
22 time.

23 Q. Isn't it true in October you had three job
24 requests in?

1 A. Not to my knowledge.

2 Q. If you look at the 28th of January, do you
3 remember receiving this call from Emiel at McConnell?

4 A. Yes.

5 Q. Did you call Emiel back?

6 A. Yes.

7 Q. What became of that opportunity?

8 A. Well, this is the first time that I had been
9 informed of any potential intern type capacity work,
10 and I immediately -- as soon as I received this
11 voicemail, I returned his phone call, and the same day
12 went and met with him and interviewed.

13 Q. Were you selected?

14 A. In the interview, we discussed that the
15 position was only for a few weeks and that it was an
16 intern position and not a position within OhioHealth,
17 and I did not at that time feel comfortable accepting
18 the position outside of OhioHealth.

19 Q. Was it offered to you?

20 A. He discussed -- we discussed if I were to
21 take the job what would happen. It was my
22 understanding I would lose my OhioHealth benefits, as
23 well as my pay rate, and I didn't feel comfortable
24 making that decision without speaking with Nancy Miller

1 first.

2 Q. Did you speak to Nancy Miller about that?

3 A. I made several attempts to contact her that
4 day, but did not hear back from her.

5 Q. Earlier in the day when I asked you how often
6 you talked with Nancy Miller, you said every three to
7 five weeks. You would admit by looking at Stone
8 Exhibit 6 that your communications with Nancy Miller
9 were more frequent than that, correct?

10 MS. LAWS: Objection; mischaracterizes prior
11 testimony.

12 A. I estimated three to five weeks, because I
13 did not have the dates in front of me.

14 Q. And now that you've been able to look at the
15 documents, would you agree that, in fact, your
16 communications with Nancy Miller were more frequent
17 than you originally had thought?

18 A. It looks like a few of them, a couple of them
19 are closer than three weeks. There are some that --
20 there's one that is four weeks apart, and one that is
21 about 28 days apart.

22 Q. And these are just the voicemail messages
23 that were on your phone, correct?

24 A. Those were the voicemails that I received

1 from her, correct.

2 Q. These don't include voicemails you left her,
3 correct?

4 A. No.

5 Q. These don't include actual conversations you
6 had with her, correct?

7 A. No, but the primary form of communication was
8 through voicemail.

9 Q. Did you e-mail her ever?

10 A. I sent one e-mail to her.

11 Q. Why did you not communicate via e-mail?

12 A. I'm not sure. She never e-mailed me. The
13 primary attempts for contact were always by phone.

14 Q. When did you e-mail her?

15 A. I believe it was around the beginning of
16 December 2009.

17 Q. Why did you e-mail her at that time?

18 A. I e-mailed her to express my concerns that I
19 had still not been placed into a day shift position.

20 Q. Did she respond to that e-mail?

21 A. Not directly, no.

22 Q. Did she respond indirectly?

23 A. She did not respond in reference to that
24 e-mail.

1 Q. Is it fair to say you don't know what
2 Ms. Miller was doing, whatever she was taking on your
3 behalf while she was at work?

4 MS. LAWS: Objection; calls for speculation.

5 A. Can you rephrase that?

6 Q. Yes. You don't know what efforts Ms. Miller
7 was taking on your behalf when she was at work during
8 the day, correct?

9 A. No, but I know that she did not communicate
10 to me any additional aside from the information I
11 received in these voicemails, additional information as
12 to what she was doing; and ultimately whatever she was
13 doing, nothing was accomplished by it. I was
14 ultimately still not placed into a day shift position.

15 - - -

16 LISTING OF POSITIONS APPLIED FOR BY
17 LAURA STONE, BATES-STAMPED EEOC 165
18 WAS MARKED AS STONE DEPOSITION
19 EXHIBIT 7.

20 - - -

21 Q. I'm showing you what has been marked as Stone
22 7. This is a document that was produced to us by the
23 EEOC. Are you familiar with this document?

24 A. Yes.

1 Q. In fact, isn't this a document that you
2 provided to the EEOC at some point?

3 A. Yes.

4 Q. Is this a document that reflects the
5 positions that you applied for?

6 A. This is a list of positions that I submitted
7 transfer requests and applied for, yes.

8 Q. The first position that you applied for
9 listed on here is 7/14/2009. Do you see that?

10 A. Yes.

11 Q. Which was before your narcolepsy diagnosis,
12 correct?

13 A. Yes, that is correct.

14 Q. And before your request for an accommodation,
15 correct?

16 A. Yes.

17 Q. And the last job listed here is on page 2 on
18 December 29th, 2009, correct?

19 A. Yes.

20 Q. Isn't it accurate that this document reflects
21 all jobs you applied for from July of 2009 through the
22 end of your employment at OhioHealth?

23 A. Yes.

24 Q. So if we look at just the jobs that you

1 applied for after you sought an accommodation, is it
2 accurate that you only applied for six jobs following
3 your request for an accommodation?

4 A. Yes. But like I said before, I was only able
5 to have two active applications at a time.

6 Q. Well, I'm glad you raised that; because if
7 you look here, isn't it true that you applied for a
8 position on October 3rd and then two positions on
9 October 14th?

10 A. Yes. On October 14th, when I applied for
11 those two positions, both the July 14th position
12 request and the 10/3 request had either been filled or
13 removed from the job board, which made those two slots
14 available.

15 Q. So is it your testimony that the system made
16 it impossible to apply for a job?

17 A. I did not know any way around how the system
18 worked to apply for more than two jobs.

19 Q. Did you ever tell Ms. Miller that there were
20 positions you wanted to apply for that the system did
21 not allow you to apply for?

22 A. Yes.

23 Q. When did you do that?

24 A. In a voicemail that I left for her after

1 applying for any and all of these positions, I would
2 call her and say, "These are the positions that I've
3 applied for. There's others on there that I would have
4 applied for if I could have."

5 Q. Do you have any documentation of your
6 attempts to apply for those positions?

7 MS. LAWS: Objection; asked and answered.

8 A. I don't think I would be able to get
9 documentation if I can't select the option to apply for
10 a position because it's blocked.

11 Q. So tell me how it blocks you. Tell me how
12 you know you're blocked from applying.

13 A. I can't remember specific wording; but when
14 you're searching positions, if you click select a
15 position and select to apply for a transfer, it would
16 either alert you and say you already have two active
17 transfer requests, please try again, please check back
18 later, something like that.

19 Q. You didn't do a screen print or anything like
20 that when you were denied?

21 A. No.

22 Q. Do you have a list of the jobs you wanted to
23 apply for but were not able to?

24 A. No.

1 Q. Can you tell me what jobs you wanted to apply
2 for but weren't able to?

3 A. I can describe the positions that were ones
4 that I would have applied for if I could have.

5 Q. Jobs that you tried to apply for but
6 couldn't; is that what you're saying?

7 A. Jobs that I couldn't apply for, yes.

8 Q. What jobs did you want to apply for that you
9 couldn't?

10 A. Had I been able to apply for them, I would
11 have applied for any and all of the PCA unit
12 coordinator positions that were posted at any given
13 period of time on the job board.

14 Q. Do you know particular positions that were
15 available?

16 A. All I know is that there were several PCA
17 unit coordinator positions, but that's the only details
18 about the specific positions that I have.

19 Q. But you didn't apply for any PCA unit
20 coordinator positions, did you?

21 A. The PCA abbreviation also refers to patient
22 support assistant, and most patient support assistant
23 positions within the hospital involve unit coordinator
24 duties.

1 Q. So sitting here today, are you aware of
2 particular PCA unit coordinator positions that were
3 available?

4 A. I am aware that each time I did a search,
5 there was usually at least maybe ten positions
6 available each time I did a search, but I cannot
7 reference specific positions.

8 Q. And the PCA unit coordinator was the position
9 you held prior to going on leave, correct?

10 A. Yes.

11 Q. Is that the position that you most desired?

12 A. I desired day shift. I would have come back
13 and done anything to be back at work, but I enjoyed
14 working as a PCA unit coordinator.

15 Q. Can you tell me why if a PCA unit coordinator
16 was the job that you had been in and wanted to go back
17 to, why the first time you applied for a similar
18 position, the PSA position wasn't until November 17th,
19 2009?

20 A. I would have to speculate a little bit as to
21 why. There may have been very few, if any, PSA
22 positions on 10/14 when I submitted applications. So I
23 would have -- scheduling coordinators and
24 administrative service coordinators are positions as

1 close to the description of a unit coordinator as you
2 can get.

3 Q. I thought you had just told me that each time
4 you did a search, there were at least ten open
5 positions, PCA unit coordinator positions?

6 A. I said most of the time when I did searches,
7 there were at least -- I mean I searched so many times
8 that I can't remember exactly what the results were on
9 10/14.

10 Q. The first job here is a job on 7/14, but that
11 job was filled before you were diagnosed with
12 narcolepsy, wasn't it?

13 A. I'm not sure if it was filled or not.

14 Q. And you said you first went to Associate
15 Health at the end of -- or I think you actually said --
16 you told me that you went I believe it was on
17 August 10; is that correct? Is that the date you told
18 me? August 10?

19 A. I believe I did say that. I may have been
20 recalling my September 10th, the 9/10 appointment with
21 Ms. Miller.

22 Q. But the first job you applied for after you
23 requested an accommodation wasn't until October 3rd,
24 2009, correct?

1 A. Yes, that's correct.

2 Q. And, clearly, from the time that you were
3 diagnosed with narcolepsy until October 3rd, you at
4 most had one job application pending, if one, correct?

5 A. That is correct.

6 Q. So nothing would have prevented you from
7 applying for a job up until October 3rd, correct?

8 MS. LAWS: Objection.

9 A. I did not initially -- after meeting with
10 Ms. Miller, I was supposed to be on evenings in labor
11 and delivery. It wasn't until after 9/18 that I knew
12 that I had to be day shift only, and I made attempts to
13 apply as soon as I was able to.

14 Q. So the first application would have been,
15 what, two weeks after 9/18?

16 A. I believe that was a little bit less than two
17 weeks, yeah.

18 Q. And at the time that you applied for that job
19 on 10/3, wasn't that the only application that was
20 pending because the July position was no longer open?

21 A. I'm sorry. Can you repeat that?

22 Q. When you applied on 10/3 for the clinical
23 receptionist job, that was the only job application you
24 had outstanding at that time, correct?

1 A. No. I believe that the 7/14 position was
2 still on my profile at that time.

3 Q. Let's take a look at the jobs that you
4 applied for.

5 A. Okay.

6 - - -

7 EMPLOYMENT APPLICATION OF LAURA
8 STONE FOR A PATIENT SUPPORT
9 ASSISTANT POSITION, BATES-STAMPED
10 EEOC V. OHC 438-440 WAS MARKED AS
11 STONE DEPOSITION EXHIBIT 8.

12 - - -

13 Q. So the first document I'm showing you is
14 Stone 8, which is an employment application you filled
15 out for the patient support assistant position in July,
16 correct?

17 A. I can see that it is for a patient support
18 assistant position, but I do not see any date on here
19 that specifies when I submitted my application for this
20 position.

21 - - -

22 DOCUMENT ENTITLED, "OPENING,
23 POSITION TITLE: PATIENT SUPPORT
24 ASSISTANT, JOB POSTING ID: 900764,"

1 BATES-STAMPED EEOC V. OHC 391-393

2 WAS MARKED AS STONE DEPOSITION

3 EXHIBIT 9.

4 - - -

5 Q. I'm showing you what has been marked as Stone
6 9, which is a job posting; and if you look at the top,
7 it has a job opening ID of 900764. Do you see that?

8 A. Yes.

9 Q. If you look at your employment application,
10 Stone 8, about three quarters of the way down the page
11 on the left-hand side, it has the job opening ID number
12 right next to the title of the position, and it's
13 900764. Do you see where I'm looking?

14 A. Yes.

15 Q. So would you agree that this application,
16 Stone 8, is applying for the position posting, Stone 9?

17 A. I'm sorry. Can you rephrase that?

18 Q. Yes. Your application that I've shown you as
19 Exhibit 8 is an application for the job opening which I
20 showed you as Exhibit 9, correct?

21 A. Can I take just a moment to compare the other
22 information on these?

23 Q. Absolutely.

24 A. I would say Stone 8 is an application for the

1 same job opening ID number; but on Stone 8, it states
2 that it's a night shift position; and on Stone 9, it
3 states that it is day shift. So I'm not sure how
4 accurate this job opening description is in reference
5 to the application that I submitted.

6 Q. In the application you submitted, it says
7 "Desired shift: 3." Is that what you're referring to?

8 A. That would be the shift of what I was
9 applying for, I believe.

10 Q. This posting was created on 7/8/09. Do you
11 see that?

12 A. Yes.

13 Q. And if you look at Exhibit 7, it says that
14 you applied for the patient support assistant position
15 on 7/14/09, looking at Exhibit 7?

16 A. It says I applied for a patient support
17 assistant position on September 14, yes, but neither of
18 these state which date I applied for this job opening.

19 Q. Well, do you have any reason to believe that
20 the application on 7/14/09 was not for -- that the
21 application, Stone 8, is not an application submitted
22 on 7/14 for the job description that's listed in Stone
23 9?

24 MS. LAWS: Objection; calls for speculation.

1 A. Can you rephrase that? I'm sorry.

2 Q. It's clear you applied for a patient support
3 assistant position on July 14th, '09, correct?

4 A. Yes.

5 Q. You don't dispute that?

6 A. No.

7 Q. And we have a job application, which is Stone
8 8, which is for a patient support assistant position,
9 correct?

10 A. Yes.

11 Q. Which has a job ID number of 900764, correct?

12 A. Yes.

13 Q. And we have a job posting for an ID of
14 900764, correct?

15 A. Yes.

16 Q. That was created in July of 2009, correct?

17 A. Yes.

18 Q. Is there any reason to believe -- isn't it
19 true that the application you submitted on July 14th
20 was for the opening that is in Stone 9?

21 MS. LAWS: Objection.

22 A. To the best of my memory, the patient support
23 assistant position applied for on 7/14 of 2009 was a
24 position in the behavioral health department, not in

1 the medical/surg department.

2 Q. Your job application indicates that you
3 desire 24 hours a week. Do you see that?

4 A. Yes.

5 Q. Were you only working 24 hours a week at this
6 time?

7 A. I believe at this time, I was still working
8 32 hours a week, to the best of my memory.

9 Q. Do you type the information on Exhibit 8?

10 A. From what I remember, questions are
11 presented, and then it auto fills it. This isn't how
12 it appears on the website when you're applying.

13 Q. Would you have typed in the job opening ID
14 number?

15 A. No, I don't believe so.

16 Q. Would you have clicked a button for that, to
17 select that job opening?

18 A. I do not remember.

19 Q. Do you know who received this position --

20 A. No.

21 Q. -- the position you applied for, since you
22 don't agree it's the same position that the job ID
23 opening matches?

24 A. I do not know who received either position,

1 or who was offered either position.

2 Q. Were you notified when the position was
3 filled?

4 A. No.

5 Q. But you believe you applied for a night shift
6 position, night shift PSA position in July of 2009?

7 A. I believe so, yes, because it was before my
8 diagnosis.

9 - - -

10 EMPLOYMENT APPLICATION OF LAURA
11 STONE FOR A CLINICAL RECEPTIONIST
12 POSITION, BATES-STAMPED EEOC V. OHC
13 435-437 WAS MARKED AS STONE
14 DEPOSITION EXHIBIT 10.

15 - - -

16 DOCUMENT ENTITLED, "JOB OPENING,
17 POSITION TITLE: CLINICAL
18 RECEPTIONIST, JOB OPENING ID:
19 901730," BATES-STAMPED EEOC V. OHC
20 394-396 WAS MARKED AS STONE
21 DEPOSITION EXHIBIT 11.

22 - - -

23 Q. I'm showing you two documents, Stone 10 and
24 11. Would you agree Stone 10 is an employment

1 application you submitted for a clinical receptionist
2 position?

3 A. Yes.

4 Q. And looking at Exhibit 7, you applied for
5 that clinical receptionist position on October 3rd,
6 2009, correct?

7 A. I believe so, yes.

8 Q. And if you look at your application, the job
9 opening ID was 901730, correct?

10 A. Yes.

11 Q. And if you look at the job opening posting,
12 the opening ID in Exhibit 11 is the same number 901730,
13 correct?

14 A. Yes.

15 Q. Is it fair to say that Exhibit 11 is the
16 posting for the job you applied for in Exhibit 10?

17 A. I believe it is, yes.

18 Q. And if you look at the job opening for this
19 position on the second page, this clinical receptionist
20 position was a day shift position, correct?

21 A. Yes.

22 Q. And was a 40-hour-a-week position, correct?

23 A. Yes.

24 Q. On the front page of the posting, it says,

1 "Status code canceled." Do you know whether this
2 position was ever filled?

3 A. Where are you seeing the status code
4 canceled?

5 Q. The fourth line up from the bottom.

6 A. No, I do not know if this position was ever
7 filled.

8 Q. I notice on this application, it has
9 geographic preferences on Exhibit 10, and it gives you
10 the opportunity to put first choice and second choice.

11 Do you see that?

12 A. Yes.

13 Q. So your first choice was Riverside Methodist
14 Hospital and your second choice was Riverside Methodist
15 Hospital, correct?

16 A. I do not recall filling in my geographic
17 preferences. I believe it may have auto filled the
18 geographic preference based on which position I was
19 applying for the transfer to, but I do see where it
20 says first choice and second choice.

21 Q. Isn't it true that you were only looking at
22 jobs at Riverside?

23 MS. LAWS: Objection.

24 A. No.

1 Q. Is it true you only applied for jobs at
2 Riverside?

3 A. Yes, but that is because I was only able to
4 have two applications at once.

5 - - -

6 EMPLOYMENT APPLICATION OF LAURA
7 STONE FOR A SCHEDULING COORDINATOR
8 POSITION, BATES-STAMPED EEOC V. OHC
9 450-452 WAS MARKED AS STONE
10 DEPOSITION EXHIBIT 12.

11 - - -

12 DOCUMENT ENTITLED, "JOB OPENING,
13 POSTING TITLE: SCHEDULING
14 COORDINATOR, OPENING ID: 901864"
15 BATES-STAMPED EEOC V. OHC 397-399
16 WAS MARKED AS STONE DEPOSITION
17 EXHIBIT 13.

18 - - -

19 Q. Showing you what has been marked as Exhibit
20 12 and Exhibit 13, would you agree that Exhibit 12 is
21 an employment application for a scheduling coordinator
22 position that you completed?

23 A. Yes.

24 Q. And it indicates on Exhibit 7 that you

1 applied for the scheduling coordinator position on
2 October 14th, 2009, correct?

3 A. Yes.

4 Q. So would you agree with me that this is your
5 application for the position that you applied for on
6 October 14th, 2009?

7 A. As far as I can tell, yes.

8 Q. If you look at your employment application,
9 the job opening ID is the 901864, correct?

10 A. Yes.

11 Q. And if you look at Exhibit 13, would you
12 agree this is a job opening posting for a scheduling
13 coordinator position?

14 A. Yes.

15 Q. And would you agree that the job opening ID
16 of this posting matches the job opening ID on your
17 employment application?

18 A. Yes.

19 Q. Is it fair to say that the job opening
20 posting, which is marked as Exhibit 13, is the posting
21 for the job that you applied for as a scheduling
22 coordinator in Exhibit 12?

23 A. As far as I can tell, yes.

24 Q. If you look at the posting on the second page

1 of the posting, it indicates that the scheduling
2 coordinator position was a day shift position, correct?

3 A. Yes.

4 Q. And it was a 40-hour-a-week position,
5 correct?

6 A. Yes.

7 Q. And this was at Riverside, correct?

8 A. Yes.

9 Q. Do you know what happened to this position?
10 Was it filled or not?

11 MS. LAWS: Objection.

12 A. I can only assume that it was --

13 MS. LAWS: Don't guess.

14 A. No, I don't know.

15 Q. I just want to know whether you know if it
16 was filled; and if so, if you know who got it. If you
17 don't know, that's fine.

18 A. No, I don't know.

19 - - -

20 EMPLOYMENT APPLICATION OF LAURA

21 STONE FOR AN ADMINISTRATIVE

22 SERVICES COORDINATOR POSITION,

23 BATES-STAMPED EEOC V. OHC 431-433

24 WAS MARKED AS STONE DEPOSITION

1 EXHIBIT 14.

2 - - -

3 DOCUMENT ENTITLED, "JOB OPENING,

4 POSTING TITLE: ADMINISTRATIVE

5 SERVICES COORDINATOR, OPENING ID:

6 901958," BATES-STAMPED EEOC V. OHC

7 400-402 WAS MARKED AS STONE

8 DEPOSITION EXHIBIT 15.

9 - - -

10 Q. I've placed before you what has been marked
11 as Exhibits 14 and 15, and I'm also going to refer to
12 Exhibit 7 which looks like you have handy as well. The
13 next position that Exhibit 7 indicates you applied for
14 was an administrative services coordinator position on
15 October 14th, 2009, correct?

16 A. Yes.

17 Q. If you look at Exhibit 14, would you agree
18 this is an employment application that you submitted
19 for an administrative services coordinator position?

20 A. Yes.

21 Q. And seeing how Exhibit 7 indicates you only
22 applied for one administrative services coordinator
23 position, is it fair to say that Exhibit 14 is your
24 application for the administrative services coordinator

1 position on October 14th, 2009?

2 A. Yes, I think so.

3 Q. And this position was at Riverside, correct?

4 A. This was, I believe, an off-campus position.

5 I'm not sure exactly where it was located. I don't
6 believe it was on Riverside campus. The location is
7 listed as Preserve Building 3. I'm not sure where that
8 is.

9 Q. So when you select first choice and second
10 choice and it says Riverside Methodist Hospital, does
11 that change your recollection as to whether that's
12 information that you typed in or whether that was
13 information you believe that was auto filled?

14 A. No, I do not remember ever filling that in.

15 Q. On your employment application, the job
16 opening ID is 901958, correct?

17 A. Yes.

18 Q. And if you look at Exhibit 15, the posting,
19 the opening ID is 901958, correct?

20 A. Yes.

21 Q. So is it fair to say that this posting is the
22 posting for the position you applied for in Exhibit 14?

23 A. As far as I can tell, yes.

24 Q. If you look at the second page of the

1 posting, it indicates that this was a day shift
2 position, correct?

3 A. Yes.

4 Q. And it was a 40-hour-per-week position,
5 correct?

6 A. Yes.

7 Q. The salary range for this position was \$16.03
8 to \$25.65, correct?

9 A. I believe so, yes.

10 Q. What was your rate of pay?

11 A. I am not sure of the exact amount, but I
12 believe I was making just over \$13 an hour.

13 - - -

14 EMPLOYMENT APPLICATION OF LAURA
15 STONE FOR A PATIENT SUPPORT
16 ASSISTANT POSITION, BATES-STAMPED
17 442-444 WAS MARKED AS STONE
18 DEPOSITION EXHIBIT 16.

19 - - -

20 DOCUMENT ENTITLED, "JOB OPENING,
21 POSTING TITLE: PATIENT SUPPORT
22 ASSISTANT, JOB OPENING ID: 902162,"
23 BATES-STAMPED EEOC V. OHC 406-408
24 WAS MARKED AS STONE DEPOSITION

1 EXHIBIT 17.

2 - - -

3 Q. I've placed before you what has been marked
4 as Exhibits 16 and 17, and I'm also going to refer to
5 Exhibit 7 as we've done with the other positions. The
6 next position on Exhibit 7 that you applied for is a
7 patient support assistant position on November 17th,
8 correct?

9 A. Yes, that is correct.

10 Q. And Exhibit 16 is an application for a
11 patient support assistant position, correct?

12 A. Yes, it is.

13 Q. And the job opening ID is 902162, correct?

14 A. Correct.

15 Q. And if you look at Exhibit 17, the job
16 opening ID is 902162, correct?

17 A. Yes, that is correct.

18 Q. And this is a job posting for a patient
19 support assistant, correct?

20 A. Yes.

21 Q. And it indicates that this position was
22 created on 10/29/2009, correct?

23 A. Yes.

24 Q. Is it fair to say that Exhibit 16 is the

1 application you submitted for a patient support
2 assistant on November 17th, 2009?

3 A. I'm sorry. Can you repeat that?

4 MR. WHITCOMB: Can you read it back?

5 (Record read back as follows:

6 "Question: Is it fair to say
7 that Exhibit 16 is the application
8 you submitted for a patient
9 support assistant on November
10 17th, 2009?")

11 A. I believe so, yes.

12 Q. And it clearly, you would agree, is the
13 application -- Exhibit 16 is the application you
14 submitted for the job posting that's reflected in
15 Exhibit 17, correct?

16 A. As far as I can tell, yes.

17 Q. They have the same job opening ID, correct?

18 A. Yes, they do.

19 Q. If you look at the second page of this
20 exhibit, this was an evening shift position, correct?

21 A. On the description, it does state that it is
22 an evening shift position.

23 Q. And this was a 40-hour-per-week position,
24 correct?

1 A. Yes.

2 Q. As of your application, had anything changed
3 with respect to your restrictions that would have
4 allowed you to work evening shifts?

5 A. No, but at the time that I applied for this,
6 to the best of my knowledge, it was posted as a day
7 shift position.

8 Q. Do you know who received this position?

9 A. No.

10 Q. I'm not sure whether I asked you this, so
11 just to make sure I haven't on the record, this is a
12 position at Riverside, correct?

13 A. I believe so, yes.

14 - - -

15 EMPLOYMENT APPLICATION OF LAURA
16 STONE FOR A SENIOR MEDICAL RECORDS
17 ASSOCIATE POSITION, BATES-STAMPED
18 EEOC V. OHC 454-456 WAS MARKED AS
19 DEPOSITION EXHIBIT 18.

20 - - -

21 DOCUMENT ENTITLED, "JOB OPENING,
22 POSTING TITLE: SENIOR MEDICAL
23 RECORDS ASSOCIATE, JOB OPENING ID:
24 902090," BATES-STAMPED EEOC V. OHC

1 403-405 WAS MARKED AS DEPOSITION

2 EXHIBIT 19.

3 - - -

4 Q. I've placed before you Exhibits 18 and 19,
5 and I'm also going to continue to refer to Exhibit 7.

6 A. Okay.

7 Q. If you start there, after the patient support
8 position that you applied for on November 17th, if you
9 could flip to the next page, it indicates that the next
10 position you applied for was senior medical records
11 associate on November 17th as well, correct?

12 A. That is correct.

13 Q. With respect to the patient support assistant
14 position and the senior medical records associate
15 position that you applied for on November 17th, did you
16 have to do anything special to allow the system to let
17 you apply for those positions?

18 A. I'm sorry. I don't understand.

19 Q. You said that the system would only allow you
20 to apply for two positions at a time. So the question
21 is, knowing that you had applied for two jobs on
22 October 14th, which may or may not have been active,
23 the question is whether you needed do anything special
24 for the system to allow you to apply for these jobs on

1 November 17th?

2 A. I believe that the two positions on 10/14
3 would not have been active on the 17th, which is why I
4 was able to.

5 Q. What is the basis of your belief that those
6 positions were not active?

7 A. The fact that I was able to put in two
8 applications on the 17th.

9 Q. Other than being able to apply, do you have
10 any other reason to believe that those positions were
11 no longer active?

12 A. As of right now, no.

13 Q. Exhibit 18 is an application for a senior
14 medical records associate position, correct?

15 A. You said for an employment application,
16 right?

17 Q. I can rephrase my question.

18 A. Okay. Please. Thank you.

19 Q. Exhibit 18 is an employment application for a
20 senior medical records associate, correct?

21 A. Yes.

22 Q. And you only applied for one senior medical
23 records associate position, and that was on
24 November 17th, 2009, correct?

1 A. Yes.

2 Q. So is it fair to say that Exhibit 18 is the
3 employment application you put in for the position on
4 November 17th, 2009?

5 A. Yes, I believe so.

6 Q. And the job opening ID of this position is
7 902090, correct?

8 A. Yes.

9 Q. If you look at Exhibit 19, that's a job
10 opening posting for a senior medical records associate,
11 correct?

12 A. Yes.

13 Q. And the job opening ID is 902090, correct?

14 A. Yes.

15 Q. And that matches your employment application,
16 correct?

17 A. Yes.

18 Q. Is it fair to say that the job opening
19 posting, Exhibit 19, is the job that you're applying
20 for through the employment application marked as
21 Exhibit 18?

22 A. I believe that would be fair, yes.

23 Q. If you look at Exhibit 19, on the second
24 page, this looks like this was a day shift position,

1 correct?

2 A. Yes.

3 Q. And this was a 40-hour-per-week position?

4 A. Yes.

5 - - -

6 EMPLOYMENT APPLICATION OF LAURA

7 STONE FOR A PATIENT SUPPORT

8 ASSISTANT POSITION WAS MARKED AS

9 STONE DEPOSITION EXHIBIT 20.

10 - - -

11 DOCUMENT ENTITLED, "JOB OPENING,

12 POSTING TITLE: PATIENT SUPPORT

13 ASSISTANT, JOB OPENING ID: 902672,"

14 BATES-STAMPED EEOC V. OHC 409-411

15 WAS MARKED AS STONE DEPOSITION

16 EXHIBIT 21.

17 - - -

18 Q. I'm showing you what has been marked as

19 Exhibits 20 and 21; and, again, I will also refer to

20 Exhibit 7 which it looks like you've got in front of

21 you. The next and last position that you applied for

22 was a patient assistant support position on

23 December 29th, 2009, correct?

24 A. Yes.

1 Q. If you look at the employment application
2 that's marked as Exhibit 20, this is an employment
3 application for a patient support assistant, correct?

4 A. Yes.

5 Q. And I see it has a desired start date of
6 December 30th, 2009. Do you see that?

7 A. Yes.

8 Q. Which is the day after you applied for a
9 position. Is it fair to say that this application,
10 Exhibit 20, is the application you submitted for the
11 patient support assistant position on December 29th,
12 2009?

13 A. Yes, I think that's fair.

14 Q. And the job opening ID on the employment
15 application is 902672, correct?

16 A. Yes.

17 Q. If you look at Exhibit 21, that's a job
18 posting for a patient support assistant position, and
19 the job opening ID is 902672, correct?

20 A. No.

21 MS. LAWS: I'm sorry. Were you referring to
22 Exhibit 21 or 20?

23 Q. I will start over. I'm referring to Exhibit
24 21. We've looked at the employment application, so let

1 me just go back.

2 MS. LAWS: We have the application as 21.

3 A. I have two employment applications with two
4 different IDs.

5 (Discussion off the record.)

6 BY MR. WHITCOMB:

7 Q. So just to make sure the record is clear, I
8 think we've established, correct, that Exhibit 20 is
9 the employment application that you submitted on
10 December 29th, 2009 for the patient support assistant
11 position, correct?

12 A. Yes.

13 Q. And the job opening ID on your employment
14 application is for 902672, correct?

15 A. Yes.

16 Q. If you look at Exhibit 21, you do now have in
17 front of you a posting, correct --

18 A. Yes.

19 Q. -- for a patient support assistant position,
20 correct?

21 A. Yes.

22 Q. And the job opening ID is 902672, correct?

23 A. Yes.

24 Q. And that matches the job opening ID on the

1 application, Exhibit 20, correct?

2 A. Correct.

3 Q. So is it fair to say that the posting,
4 Exhibit 21, is the job that you're applying for with
5 the application that's marked as Exhibit 20?

6 A. I believe so.

7 Q. If you look at the second page of this
8 exhibit, it indicates that this was a night shift
9 position?

10 A. Are you talking about 20 or 21? I'm sorry.

11 Q. 21. If you look at the posting, it indicates
12 it's a night shift position, correct?

13 A. Yes, that is what it indicates.

14 Q. Do you have any reason to believe that this
15 job posting is not accurate?

16 A. To the best of my knowledge, the patient
17 support assistant position when I viewed it and applied
18 for it was a day shift position.

19 Q. Did you print the postings that you applied
20 for?

21 A. Aside from this list, no.

22 Q. Do you have any documents that say that it is
23 a day shift position?

24 A. Not to my knowledge, no.

1 - - -
2 COMPUTER SCREEN SHOTS,
3 BATES-STAMPED EEOC V. OHC 458-462
4 WAS MARKED AS STONE DEPOSITION
5 EXHIBIT 22.

6 - - -
7 Q. I'm showing you what has been marked as
8 Exhibit 22. This looks like there are several messages
9 that were sent to you with respect to transfer updates.
10 Do you recognize these?

11 A. No.

12 Q. Did you ever receive e-mails or other
13 communication indicating the status of your on-line
14 submissions for particular positions?

15 A. No.

16 Q. How would you receive e-mail when you worked
17 at OhioHealth?

18 A. What do you mean?

19 Q. Did you have a work e-mail account?

20 A. Yes.

21 Q. Were you able to access that work e-mail
22 account at home?

23 A. Yes.

24 Q. When you were out on leave, were you checking

1 your work e-mail account?

2 A. Yes.

3 Q. And you don't recall receiving any
4 notifications through your e-mail about certain
5 positions?

6 A. No, I do not.

7 Q. How frequently were you checking your work
8 e-mail?

9 A. I'm not entirely sure how frequently. I
10 would say probably one to two times a week.

11 MR. WHITCOMB: Let's go off the record for a
12 second.

13 (Discussion off the record.)

14 - - -

15 LETTER TO LAURA STONE FROM
16 ASSOCIATE HEALTH AND WELLNESS,
17 DATED 7/14/10, EEOC V. OHC
18 BATES-STAMPED 488-489 WAS MARKED AS
19 STONE DEPOSITION EXHIBIT 23.

20 - - -

21 BY MR. WHITCOMB:

22 Q. Showing you what has been marked as Exhibit
23, which is a letter addressed to you at 415 Liberty
24 Lane, do you recognize this letter?

1 A. Yes. Let me refer to it here to make sure.

2 Q. Sure.

3 A. Yes.

4 MR. WHITCOMB: Let's go off the record again.

5 (Pause in proceedings.)

6 BY MR. WHITCOMB:

7 Q. So I've placed before you what has been
8 marked as Exhibit 23, and you were reviewing the letter
9 to see whether you recognize it. Do you recognize the
10 letter?

11 A. Yes.

12 Q. Did you receive this letter?

13 A. Yes, I believe I did.

14 Q. This exhibit says the letter was sent on
15 January 15th, 2010. Does that seem accurate to you?

16 A. I do not recall receiving it in the mail
17 before February 8th.

18 Q. So you received -- this says your employment
19 would be terminated effective February 10th. Is it
20 your testimony that you believe you received it two
21 days before the 10th?

22 A. Yes.

23 Q. And just so there's no confusion, in the
24 upper right-hand corner, there's a date of July 14th,

1 2010. Do you see that?

2 A. Yes.

3 Q. Are we in agreement that that date is not an
4 accurate date? I believe that was just a print date
5 probably in response to the charge of discrimination.

6 You received this in February, correct?

7 A. Yes.

8 Q. When you were out on your leave while you
9 were looking for a position, were you receiving
10 temporary disability pay?

11 A. Yes.

12 Q. Do you remember how much you were receiving
13 in temporary disability pay?

14 A. I don't remember the dollar amount, but it
15 was -- I believe it was 70% of my regular income,
16 regular pay.

17 Q. How long did you receive temporary disability
18 pay?

19 A. I believe I received -- I'm trying to
20 remember. I believe that I received the temporary
21 disability payments up through the end of December.

22 Q. When did you begin receiving that?

23 A. I began receiving it -- it would have started
24 when I started my leave, when I stopped working night

1 shift.

2 Q. When you say you received 70% of your regular
3 pay, were you receiving 70% of your gross pay or 70% of
4 your net pay?

5 A. I'm not sure.

6 Q. So this letter indicates that your temporary
7 disability pay ended December 29th, 2009, and I believe
8 you said that was your recollection it ended end of
9 December; is that right?

10 A. Yes.

11 Q. Do you know why it ended at the end of
12 December?

13 A. I'm not entirely sure why.

14 Q. The letter then indicates that any remaining
15 TAP will be paid. Did you have additional TAP time?

16 A. I don't believe I did.

17 Q. It indicates that if you're enrolled in
18 OhioHealth's medical, dental and vision benefits, they
19 will remain effective through the end of the month you
20 are terminated. Do you see that?

21 A. Yes.

22 Q. So, in fact, it looks like this has a
23 termination date in February. Did you have benefits
24 then through the end of February 2010?

1 A. I believe so.

2 Q. Did you elect Cobra?

3 A. I do not recall receiving a Cobra benefits
4 package.

5 Q. So does that mean you did not elect Cobra?

6 A. I did not elect -- I don't believe I elected
7 Cobra. It was because I didn't actually have the
8 option, the opportunity.

9 Q. Because you don't remember receiving a
10 packet?

11 A. No, I did not receive a packet.

12 Q. It says here, "If you have not received your
13 Cobra information for benefit coverage within two
14 weeks, please contact the benefits department," and it
15 gives a phone number. Did you contact the benefits
16 department?

17 A. Yes.

18 Q. What did they tell you?

19 A. They told me to give it some time and call
20 back if I still haven't received it I believe they said
21 by the end of the month.

22 Q. Did you ever call them back?

23 A. Yes.

24 Q. How many times did you call them back?

1 A. Just the once, because I was told that there
2 really wasn't anything they could do.

3 Q. Who did you speak to in benefits?

4 A. I believe her name was Marjorie. I'm not
5 sure what her last name was off the top of my head.

6 Q. When your benefits ended at the end of
7 February, did you have health insurance?

8 A. No.

9 Q. When did you next have health insurance after
10 February 2010?

11 A. I believe the next time that I had health
12 insurance was towards the end of June 2010.

13 Q. And who did you get health insurance through?

14 A. Through MedVet.

15 Q. Between the time that you lost -- I shouldn't
16 say lost, but stopped receiving health benefits from
17 OhioHealth and the time that you picked up health
18 benefits through MedVet, did you incur any medical
19 expenses?

20 A. I'm not sure.

21 Q. Sitting here today, you don't recall any?

22 A. As of right now, no.

23 Q. The next paragraph of the letter indicates
24 that "We also encourage you to contact your Associate

1 Relations representative to assist you in reapplying
2 for a position that will match your education,
3 training, interests and abilities." Do you see that?

4 A. Yes.

5 Q. After your employment with OhioHealth ended,
6 did you stay in contact with Associate Relations to
7 inquire about positions?

8 A. I continued to make attempts to contact Nancy
9 Miller.

10 Q. Did you apply for any positions after your
11 employment ended with OhioHealth?

12 A. I don't recall having any applications
13 available on my profile when I did check. I continued
14 to check and look for positions, and checked to see if
15 I was able to apply for anything.

16 Q. You understood looking at the next paragraph
17 that if you obtained a position within 90 days of the
18 termination date of February 10th, that you would
19 retain all your seniority, your TAP accrual rate, et
20 cetera, correct?

21 A. I do not remember that detail. So at the
22 time, I did not understand that. When I received this
23 letter, basically the gist of what I got out of it was
24 "You're fired."

1 Q. Do you remember going in and talking to
2 Associate Health and Wellness and telling them in early
3 February you didn't need their help anymore because you
4 had found a job at MedVet?

5 A. No.

6 Q. You deny doing that?

7 A. Yes, I deny doing that.

8 Q. Did you tell someone in Associate Health and
9 Wellness that you had received a job at MedVet?

10 A. No.

11 Q. Do you know how they knew you had a job at
12 MedVet?

13 A. No, I don't know how Associate Health and
14 Wellness would know that.

15 - - -

16 LETTER TO LAURA STONE FROM NANCY
17 MILLER, DATED FEBRUARY 8, 2010,
18 BATES-STAMPED 161 WAS MARKED AS
19 STONE DEPOSITION EXHIBIT 24.

20 - - -

21 Q. Showing you what has been marked as Exhibit
22 24, this is a letter dated February 8th to you from
23 Nancy Miller, correct?

24 A. Yes.

1 Q. Is this the letter you received on
2 February 8th and not Exhibit 23, or is your testimony
3 that they both came on February 8th?

4 A. I received this letter after the letter that
5 I received on February 8th, which was Exhibit 23.

6 Q. So do you remember when you received the
7 letter from Nancy Miller?

8 A. I do not remember specifically which date
9 that I received this.

10 Q. Even though your Exhibit 23 indicated your
11 termination date would be effective February 10th,
12 2010, isn't it true that Associate Health and Wellness
13 made it clear to you that they would continue to work
14 with you after that date to help you find a job?

15 A. I don't believe that that was made clear to
16 me.

17 Q. Well, if you look at Exhibit 24, didn't
18 Ms. Miller send you a note indicating she was going to
19 be out of the office from February 15th to March 12th?

20 A. Yes.

21 Q. Which were dates after your termination date,
22 correct?

23 A. Yes, but it was generated before my
24 termination date.

1 Q. Isn't it true that Ms. Miller gave you a
2 contact person that you could work with during that
3 time period that she was out of the office?

4 A. Yes.

5 Q. And didn't she indicate to you during that
6 time period from February 15th to March 12th while she
7 was out of the office, didn't she ask you to review the
8 OhioHealth job board?

9 A. Yes.

10 Q. And didn't she ask you to contact Amy with
11 any job leads that you wished to pursue?

12 A. Yes.

13 Q. Did you ever contact Amy with any job leads
14 that you wished to pursue?

15 A. I do not believe so.

16 Q. Looking back at Exhibit 3, this is your
17 accommodation request form which you submitted on
18 September 18th, 2009, correct?

19 A. Yes.

20 Q. Are you aware of any positions on
21 September 18th, 2009 that were open on that date that
22 you believe you were qualified for?

23 A. I'm not aware of any specific -- I wouldn't
24 be able to give a job posting number or anything, but I

1 recall during my conversation with Ms. Miller that
2 there were several open positions that she was going to
3 contact about my case.

4 Q. But looking at Exhibit 7, the first time you
5 actually applied for a job was on October 3rd, 2009,
6 correct?

7 A. That is correct.

8 Q. Exhibit 24 indicates that Ms. Miller was
9 going to be out of the office until March 12th. Did
10 you have any communications with her after March 12th?

11 A. As far as I can remember, no. I do not
12 recall at this moment any.

13 (Short recess taken.)

14 - - -

15 Thereupon, at 1:08 p.m. a luncheon
16 recess was taken until 1:55 p.m.

17 - - -

18

19

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21

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3 - - -

5 BY MR. WHITCOMB:

6 Q. Before we took our lunch break, you indicated
7 that while you were employed at OhioHealth on leave,
8 you had sought employment outside of OhioHealth. Where
9 did you seek employment?

10 A. Can you repeat that?

11 Q. Sure. While you were on your leave of
12 absence at OhioHealth, your termination date in that
13 letter was February 10th?

14 A. Yes.

15 Q. So between the time you went out on leave in
16 I believe it was August until February 10, did you seek
17 employment outside of OhioHealth?

18 A. Yes.

19 Q. Where did you seek employment?

20 A. I applied for a position with Tim Hortons.

Q. Anywhere else?

22 A. Before I received the termination letter, no.

23 Q. Did you work at Tim Hortons?

24 A. Yes.

1 Q. When did you begin your work at Tim Hortons?

2 A. I believe I was hired, offered and accepted
3 the position on December 29th.

4 Q. You were working as a cashier?

5 A. Cashier, drive-thru window associate.

6 Q. Do you remember your rate of pay?

7 A. I believe it was 8.25 an hour.

8 Q. At some point, you also applied for a
9 position in MedVet; is that correct?

10 A. Yes.

11 Q. When did you get hired at MedVet?

12 A. I was hired at MedVet I believe roughly
13 around March 24th or 25th.

14 Q. Didn't you start working in MedVet part time
15 while you were still employed by OhioHealth?

16 A. No.

17 - - -

18 PLAINTIFF EQUAL EMPLOYMENT

19 OPPORTUNITY COMMISSION'S RESPONSES

20 AND OBJECTIONS TO DEFENDANT'S FIRST
21 SET OF INTERROGATORIES WAS MARKED
22 AS STONE DEPOSITION EXHIBIT 25.

23 - - -

24 Q. Showing you what has been marked as Exhibit

1 25, which are Plaintiff Equal Employment Opportunity
2 Commission's Responses and Objections to Defendant's
3 First Set of Interrogatories, have you seen this
4 document before?

5 A. No.

6 Q. If you look at page 8 of this document,
7 Interrogatory No. 10, it asks to "Explain all efforts
8 that Laura Stone made to find employment since she
9 separated from employment with Defendant, including any
10 jobs that she has applied for, interviewed for, been
11 offered or accepted."

12 The second paragraph in the response says,
13 "Ms. Stone obtained a part-time position at MedVet on,
14 or around, January 26th, 2010." Does that refresh your
15 memory as to whether you accepted a part-time position
16 at MedVet before February 10th?

17 MS. LAWS: Objection; argumentative.

18 A. Do you want me to go ahead and answer still?

19 Q. Yes.

20 A. I'm sorry. That does not change my memory of
21 what happened.

22 Q. Okay. You indicated you worked at Tim
23 Hortons while you were employed at OhioHealth, and your
24 testimony is you were not employed anywhere else prior

1 to February 10th, 2010?

2 A. Correct.

3 Q. So earlier we looked at the positions you
4 applied for, and the last position you applied for was
5 on December 29th, 2009, and you indicated to me that
6 you received your letter informing you that your
7 employment would be terminated effective
8 February 10th -- you indicated you received that letter
9 on February 8th.

10 Is there anything that you recall occurring
11 between December 29th and February 8th with respect to
12 your attempts to find other positions at OhioHealth?

13 A. I was -- I believe I interviewed for an
14 intern position at the McConnell Joint and Spine
15 Center.

16 Q. Was that the position we talked about earlier
17 where you found out it was only for a couple weeks or
18 something?

19 A. Yes.

20 Q. Any other events that occurred between the
21 end of December and February 8th?

22 A. I'm not sure.

23 Q. When you received your letter, from Associate
24 Health and Wellness, which is Exhibit 23, indicating

1 that your employment would be terminated effective --
2 when you received your letter from Associate Health and
3 Wellness indicating that you're reaching the end of
4 your six-month, 180-day leave of absence, did you ask
5 anybody if they would be willing to extend your leave
6 of absence?

7 A. I do not recall who I spoke with; but, yes, I
8 recall calling in and asking somebody about what my
9 options were to extend.

10 Q. Who do you think you talked to?

11 A. I believe it was either my human resources
12 rep or whoever it got forwarded to at Employee Health
13 and Wellness.

14 Q. What were you told? What did you ask them,
15 and what were you told?

16 MS. LAWS: Objection; compound question.

17 A. I asked what I needed to do to avoid
18 termination, and I was told that I should have applied
19 for an extension a long time ago.

20 Q. Did you specifically ask somebody if you
21 could extend your leave of absence?

22 A. I believe so, yes.

23 Q. You believe so?

24 A. Yes.

1 Q. Does that mean you don't have a specific
2 recollection of that?

3 A. I asked what I needed to do to extend the
4 timeframe to search for positions and to extend my
5 employment.

6 Q. But you don't know who you talked to?

7 A. No.

8 Q. And you didn't do that in writing?

9 A. No.

10 Q. And it's not documented anywhere that you did
11 that?

12 A. Not to my knowledge.

13 Q. Even though you had 90 days after
14 February 10th to continue to look for positions and
15 bridge your service, you didn't apply for any
16 additional positions, correct?

17 A. At the time I received this letter, I did not
18 realize I had 90 days to do that. When I called asking
19 what I needed to do next and what I needed to do asking
20 for the extension, I was basically told there was
21 nothing I could do.

22 Q. Do you know Jeannie Gray?

23 A. No. The name does not ring a bell.

24 Q. Do you know Ms. Evans at Employee Health and

1 Wellness?

2 A. Not that I can recall, no.

3 Q. Do you recall stopping by Associate Health
4 and Wellness to let Amy and Nancy know that you were no
5 longer needing help finding a position because you had
6 found a position outside of OhioHealth?

7 A. No.

8 Q. So are you saying that didn't happen, or you
9 just don't recall doing that?

10 A. To the best of my knowledge, it did not
11 happen.

12 Q. And so if somebody had written that, that's a
13 false statement?

14 MS. LAWS: Objection.

15 A. I'm not sure.

16 Q. So earlier today, you indicated that you sent
17 an e-mail to Nancy Miller, and I want to look at a
18 document and see if this is the e-mail you're
19 discussing.

20 - - -

21 LETTER TO MS. MILLER FROM MS.

22 STONE, BATES-STAMPED EEOC 158 WAS

23 MARKED AS STONE DEPOSITION EXHIBIT

24 26.

1

- - -

2 Q. Showing you what has been marked as Exhibit
3 26, which appears to be some sort of correspondence
4 addressed to Ms. Miller from you; is that accurate?

5 A. This is a copy of a draft of an e-mail.

6 Q. Did you send this e-mail?

7 A. Yes.

8 Q. From what e-mail address would you have sent
9 this e-mail?

10 A. From my employee e-mail.

11 Q. Do you have the original?

12 A. This is the original that I typed; but as of
13 February 10th, I was not able to access my e-mail to
14 print it off from my e-mail.

15 Q. So why were you able to have this draft?

16 A. This draft was typed on a Word document on my
17 personal computer at home.

18 Q. When did you send this e-mail?

19 A. I believe this e-mail was sent at the
20 beginning of December.

21 Q. What was the purpose of sending this e-mail?

22 A. To convey to Ms. Miller and Human Resources
23 that I did not feel that my case was being handled in a
24 timely fashion, my request, and to encourage more

1 proactive handling of my request.

2 Q. Was this to let them know the frustration
3 that you were experiencing?

4 A. It was not for that sole purpose, but it did
5 serve that purpose.

6 Q. Have you read this recently?

7 A. Not word for word, no.

8 Q. I'm going to give you an opportunity to read
9 it now, and I'm going to ask you after you read it,
10 whether there's anything in here that indicates that
11 you're not able to apply for more than two positions at
12 a time.

13 A. Okay.

14 Q. So can you read this and let me know whether
15 you ever expressed that in this document to Ms. Miller?

16 A. Okay.

17 Q. Is there anywhere in this e-mail that you
18 informed Ms. Miller that you were not able to apply for
19 more than two positions at a time?

20 A. No.

21 - - -

22 FIVE-PAGE DOCUMENT WITH THE "JOB
23 INFORMATION" TAB FOR PATIENT
24 SUPPORT ASSISTANT POSITION

1 APPEARING WAS MARKED AS STONE
2 DEPOSITION EXHIBIT 27.

3 - - -

4 Q. Showing you what has been marked as Exhibit
5 27 --

6 MS. LAWS: Excuse me. Before you ask a
7 question, I just note that my copy at least doesn't
8 have a Bates stamp on it.

9 MR. WHITCOMB: I think that's accurate.

10 MS. LAWS: Has this document been produced?

11 MR. WHITCOMB: It's being produced right now.

12 MS. LAWS: No. We'll take a break and take a
13 look at this document.

14 MR. WHITCOMB: Okay. I don't believe it's
15 been asked for.

16 MS. LAWS: Well, it's a document that has
17 Laura Stone's name on it, and I believe we've asked for
18 all personnel information relating to Ms. Stone, so it
19 does --

20 MR. WHITCOMB: I'm not objecting to you
21 taking a break.

22 MS. LAWS: We'll take a break. I'm just
23 saying it does appear to be responsive, but we'll take
24 a look at the document in more detail and be back in a

1 few minutes.

2 (Short recess taken.)

3 MR. WHITCOMB: Just so you're clear, I hadn't
4 seen this before today either. In response to an
5 answer this morning, I tracked something down.

6 MS. LAWS: Okay. Well, thank you for
7 advising me of that, but it does appear the document is
8 responsive. I, of course, don't know what you're going
9 to use it for. It could just be for refreshing
10 recollection, but the document certainly is responsive
11 to at least one of our document requests and should be
12 produced.

13 MR. WHITCOMB: Well, now it's been produced,
14 so you have it, but we will Bates stamp it and give you
15 another copy as well.

16 BY MR. WHITCOMB:

17 Q. The reason I'm pulling this out is because
18 when we talked earlier today, you told me your job was
19 a 32-hour position, and I notice on the front page of
20 this document it indicates your standard hours are 32;
21 but if you turn to the second page of this document, it
22 indicates that effective May 31, 2009, you had a change
23 in scheduled hours and you went to 16 hours. Do you
24 remember that happening?

1 A. No, I do not.

2 Q. Is it your testimony in May, end of May, you
3 continued to be a 32-hour position?

4 A. Yes, I believe I was still working 32 hours a
5 week at that time.

6 Q. Was there ever a time during your employment
7 that you requested a reduction to 16 hours?

8 A. I do not recall requesting a reduction.

9 Q. Did you ever request a reduction because of
10 your school schedule or internships or other
11 opportunities you were pursuing?

12 A. No.

13 Q. Was your goal in pursuing your degree as a
14 vet tech to ultimately get a job working with a
15 veterinary care provider?

16 A. Not immediately, no.

17 Q. So following the end of your employment at
18 OhioHealth, you indicated you did become employed at
19 MedVet; is that correct?

20 A. Indicated to who?

21 Q. To me.

22 A. Oh, yes.

23 Q. Did you start as a part-time employee or a
24 full-time employee?

1 A. Initially I believe the position I was hired
2 for was part-time position.

3 Q. When did you become a full-time employee?

4 A. I'm not entirely sure how long I worked part
5 time before I switched to full time.

6 Q. You indicated to me that you believe you
7 began receiving health benefits in June of 2010,
8 correct?

9 A. Yes, I believe so.

10 Q. I take it you were a full-time employee
11 before you received those health benefits; is that
12 accurate?

13 A. I believe I was full time before starting,
14 yes.

15 Q. Were you paid an hourly rate or salary?

16 A. Hourly.

17 Q. Do you remember what your hourly rate was at
18 MedVet when you began?

19 A. I started at 12.75.

20 Q. Did your rate change when you went from part
21 time to full time?

22 A. No.

23 Q. How many hours were you working when you were
24 part time?

1 A. Maybe eight to sixteen a week.

2 Q. How many hours were you working when you were
3 full time?

4 A. Probably closer to 40.

5 Q. You indicated you had health insurance
6 benefits. Did you have to pay an employee share of the
7 health premium?

8 A. Yes.

9 Q. Do you remember what you had to pay?

10 A. No, I don't.

11 Q. Was it similar to what you paid at
12 OhioHealth?

13 A. I know it was more than what I paid at
14 OhioHealth, I believe.

15 Q. Did you receive other types of benefits, like
16 dental or vision?

17 A. I think I did.

18 Q. How long did you work at MedVet?

19 A. I worked at MedVet for two years.

20 Q. When was your last day at MedVet?

21 A. I think March 24th or 25th of 2012.

22 Q. Why did you leave MedVet?

23 A. I left to return to school.

24 Q. You did that voluntarily?

1 A. Yes.

2 Q. When you were working at MedVet, that was a
3 day shift position; is that right?

4 A. Yes.

5 Q. So you were returning to school full time?

6 A. Yes.

7 Q. And you didn't want to work while you were in
8 school; is that accurate?

9 A. They were not -- the hours were not able to
10 work around my class hours and keep me still on day
11 shift.

12 Q. While you were employed at MedVet, were you
13 employed anywhere else?

14 A. You mean during the whole two years?

15 Q. Yes.

16 A. Yes.

17 Q. Where else were you employed?

18 A. I also worked for Cryan Veterinarian
19 Hospital.

20 Q. How do you spell Cryan?

21 A. C-r-y-a-n.

22 Q. When did you work at Cryan?

23 A. At this moment I cannot recall my actual hire
24 date with them, but I believe it was sometime in

1 January 2013.

2 Q. Had you done an internship at Cryan while you
3 were pursuing your vet tech degree?

4 A. Yes, I did do an internship there.

5 Q. When did you do your internship?

6 A. That was, I believe, sometime during March
7 and April of 2009 maybe.

8 Q. What was your rate of pay at Cryan?

9 A. When I started -- I'm not entirely sure. I
10 can't remember at the moment.

11 Q. Did you have any benefits from Cryan?

12 A. No.

13 Q. How long did you work at Cryan?

14 A. I worked there up through March of 2013.

15 Q. So you worked there for three months, is that
16 correct, or do I have my dates wrong?

17 A. I believe I may have misspoke on the hire
18 date. I believe it was actually 2012.

19 Q. Okay.

20 A. January 2012. I'm sorry if I said 2013.

21 Q. So January 2012 through March 2013 is when
22 you worked at Cryan?

23 A. Yes. To the best that I can remember, yes.

24 Q. How many hours were you working at Cryan?

1 A. It varied throughout my employment. I was
2 contingent for a while, and then went to part time.

3 Q. Roughly how many hours a week would you
4 average?

5 A. While I was contingent, I was really only
6 working maybe one or two eight-hour shifts every three
7 months, which is what they required to remain
8 contingent; and while I was part time, I believe it was
9 roughly eight to twelve hours a week.

10 Q. What shift were you working?

11 A. Day shift.

12 Q. Is there anywhere else that you worked while
13 you worked at MedVet?

14 A. While I worked at MedVet, no.

15 Q. So after your employment ended with MedVet in
16 March of 2012, correct --

17 A. Yes.

18 Q. -- you continued to work at Cryan for a year,
19 correct?

20 A. Yes.

21 Q. During that year, between the time you left
22 MedVet and the time you left Cryan, did you work
23 anywhere else?

24 A. Yes.

1 Q. Where else did you work?

2 A. I worked at Rod's Western Palace.

3 Q. What did you do there?

4 A. Sales associate.

5 Q. What was your rate of pay there?

6 A. I believe 8.25 an hour.

7 Q. How many hours a week were you working?

8 A. Eight to twelve.

9 Q. How long did you work at Rod's Western
10 Palace?

11 A. Seasonal for the summer.

12 Q. So that would have been the Summer of 2012,
13 or do you still work there?

14 A. I don't work there anymore. That would have
15 been the Summer of 2013.

16 Q. Have you worked anywhere else since you left
17 OhioHealth?

18 A. Yes.

19 Q. Where else?

20 A. Pet Medical Center of Westerville.

21 Q. When did you begin working there?

22 A. It was also during the Summer of 2013.

23 Q. What position did you hold there?

24 A. Registered veterinary technician.

1 Q. What was your rate of pay?

2 A. As far as I remember, I believe it was \$12 an
3 hour.

4 Q. How long did you work there?

5 A. During the summer, maybe two or three months.

6 Q. Is there anywhere else you've worked since
7 you left OhioHealth?

8 A. Besides my current job, no.

9 Q. And you mentioned that at the beginning of
10 the day, Health Pets of Wedgewood?

11 A. Healthy Pets.

12 Q. Healthy Pets of Wedgewood?

13 A. Yes.

14 Q. I have, if my notes are accurate, you started
15 there in October of 2013.

16 A. Yes.

17 Q. And you continue to work there; is that true?

18 A. Yes.

19 Q. What is your rate of pay?

20 A. \$10 an hour. I apologize. I'm getting 2012
21 and 2013 extremely confused right now. The Summer of
22 2012 was when I worked at Rod's and Pet Medical Center.
23 The Summer of 2013, I was not -- it was not the right
24 summer. I'm sorry.

1 Q. That's okay. So you continue to work part
2 time at Healthy Pets in Wedgewood?

3 A. Yes.

4 Q. And you're working 12 to 20 hours per week?

5 A. Yes.

6 Q. I just asked you this, but your rate of pay?

7 A. \$10 an hour.

8 Q. Do you have any benefits?

9 A. No.

10 Q. You are currently in school?

11 A. Yes.

12 Q. Taking a full load?

13 A. Yes.

14 Q. During the day?

15 A. Yes.

16 Q. And that position made it impossible for you
17 to continue at MedVet; is that accurate?

18 A. Can you rephrase that? I'm not sure I'm
19 understanding you.

20 Q. You chose to go back to school full time.

21 That's a day program, correct?

22 A. Yes.

23 Q. Okay. That obviously interferes with your
24 ability to work during the day, correct?

1 A. Yes.

2 Q. Do you currently have health insurance?

3 A. Yes.

4 Q. How do you have health insurance?

5 A. I have health insurance through school.

6 Q. Have we covered all the places you've been
7 employed since you left OhioHealth?

8 A. I believe so.

9 Q. Did you ever receive any unemployment
10 benefits?

11 A. From?

12 Q. From the state?

13 A. No.

14 Q. Have you ever received any disability
15 payments?

16 A. No. From the state you mean, correct?

17 Q. Correct, other than the temporary disability
18 you were receiving at OhioHealth until the end of
19 December.

20 A. Other than the temporary disability, no.

21 Q. The lawsuit the EEOC filed on your behalf
22 indicates that you have suffered emotional pain,
23 suffering inconvenience, mental anguish, embarrassment,
24 frustration, humiliation, loss of enjoyment of life.

1 Can you explain in what way you've suffered?

2 A. During the time period that I was -- are you
3 referring to like from the time I went on my leave of
4 absence to current, or are you referring to a
5 specific --

6 Q. Let's talk about from the time you went on
7 your leave of absence to current.

8 A. Okay. During the time that I was on my leave
9 of absence, initially I was -- you know, had a very
10 positive outlook on when I would be back to work.
11 After all the failed efforts to get back to work as
12 soon as possible, I did start to feel discouraged, had
13 issues with feeling depressed.

14 I'm the type of person that likes to be
15 productive and stay busy, and I wasn't able. I wasn't
16 working. I felt pretty much worthless. And after
17 receiving the letter of termination, I felt like I had
18 been completely disregarded as an individual and --
19 sorry. I felt like I had been treated like a lesser
20 person than I deserved, and just the stress from that
21 was overwhelming.

22 After continuing forward from there, I was
23 able to try and put my life back together and my goals.
24 When I was terminated from OhioHealth, my goal was to

1 work there until I retired; and based on their
2 retirement policies, I had estimated that I believe I
3 would have retired around 45 and hoped to after that
4 use my vet tech degree to have more of like a hobby
5 after retirement.

6 Losing my employment with OhioHealth
7 completely threw my entire plan for my career out the
8 window, and so it was very stressful trying to figure
9 out what my new goals were going to be and what
10 direction I was going to take my life in. I'm not
11 sure --

12 Q. Did anybody ever say anything negative about
13 you having narcolepsy?

14 A. Not directly to me, no.

15 Q. When you say "not directly to me," what does
16 that mean? Do you think someone said something
17 indirectly?

18 A. Honestly, I have no way of knowing if anybody
19 said anything negative about me.

20 Q. Do you have any reason to believe that Nancy
21 Miller wasn't trying her best to find you a position or
22 work with you to help you find a position?

23 MS. LAWS: Objection.

24 A. From my personal experience, I don't think

1 she was trying.

2 Q. What makes you say that?

3 A. Because ultimately it was due to my
4 reasonable accommodation request and her commitment to
5 me to make it a priority, I was supposed to be placed
6 into a day shift position, and I wasn't, and I was
7 never granted any interviews for any of the positions I
8 applied for, which was also something that I was told
9 was something that would happen. I mean she didn't --
10 OhioHealth did not fulfill my reasonable accommodation
11 request.

12 Q. Did you ever seek any treatment or counseling
13 for any emotional issues, suffering inconvenience,
14 mental anguish, embarrassment, frustration, humiliation
15 or loss of enjoyment of life?

16 A. I did not seek any professional treatment,
17 no.

18 Q. How long did those feelings that you
19 expressed last?

20 A. I still struggle with some of the emotional
21 aspects of it today. It's obviously an emotional issue
22 for me.

23 Q. What is the current status of your
24 narcolepsy?

1 A. I am managing it through schedule management
2 and medication.

3 Q. You indicated that you had been diagnosed
4 sometime around August of 2009 by Dr. Jones?

5 A. Yes.

6 Q. Do you continue to see Dr. Jones?

7 A. Yes.

8 Q. How often do you see Dr. Jones?

9 A. I believe I've currently -- over the last few
10 times I've seen him, it's been roughly six to twelve
11 months between visits, because he no longer accepts my
12 health insurance. My insurance doesn't cover my visits
13 with him.

14 Q. Did your MedVet insurance cover visits to
15 Dr. Jones?

16 A. I don't know if it did or not.

17 Q. Have you looked for a neurologist that
18 accepts your insurance?

19 A. I believe I discussed with Dr. Jones finding
20 a new doctor, but I have not found one.

21 Q. Has he made some recommendations for you?

22 A. Do you mean for other doctors I could see?

23 Q. Yes.

24 A. No, he has not.

1 Q. So what is the treatment that you are
2 undergoing for narcolepsy right now?

3 A. I'm on a prescription medication for it.

4 Q. What is that prescription?

5 A. Adderall.

6 Q. Any other medications you take for the
7 narcolepsy?

8 A. No. Not right now, no.

9 Q. Do you have any restrictions on you at this
10 particular time?

11 A. I'm still not allowed to work night shift.

12 Q. Is that the only restriction on you?

13 A. Yes.

14 Q. When is the last time you saw Dr. Jones?

15 A. About two months ago.

16 Q. Since you left MedVet, have you been seeking
17 any other employment other than the employment that
18 you've described to me?

19 A. No.

20 Q. If you can look back at Exhibit 25, which
21 were the interrogatory answers, we had been looking at
22 Interrogatory No. 10, which asked about efforts to find
23 employment; and on page 9, part of the answer to that
24 interrogatory indicates that in the first full

1 paragraph at the end that you remained employed by
2 Cryan, "on either a part-time or as-needed basis, until
3 May 2013 when an illness unrelated to her disability
4 resulted in her inability to return to work." Can you
5 tell me what happened?

6 A. It was actually March of 2013, I was
7 hospitalized during the summer.

8 Q. What were you hospitalized for?

9 A. I was hospitalized three times. In March, I
10 was hospitalized for multiple chronic massive pulmonary
11 embolisms.

12 Q. All three hospitalizations were for the
13 chronic pulmonary --

14 A. No.

15 Q. Okay. Sorry. So that was one
16 hospitalization?

17 A. Yes.

18 Q. What were your other hospitalizations?

19 A. In May, I was hospitalized for osteomyelitis.
20 I had MRSA in the bone of my heel. In July, I was
21 hospitalized for a Staph A blood infection.

22 Q. Do you have any restrictions on your
23 employment as a result of any of those conditions?

24 A. Right now?

1 Q. Yes.

2 A. My doctor has instructed me to remain part
3 time.

4 Q. And I presume there was a period of time
5 where you were not able to work at all?

6 A. Yes.

7 Q. How long did that period of time last?

8 A. It was roughly about six months.

9 Q. What months were those?

10 A. Starting with my March hospitalization up
11 until the end of September.

12 Q. Of 2013?

13 A. Yes.

14 Q. The complaint that the EEOC filed on your
15 behalf indicated either it or you were seeking damages
16 for job search expenses and medical expenses. So let
17 me break those in half. Have you incurred any job
18 search expenses?

19 A. I mean I have. I can't give you specific
20 amounts.

21 Q. Did you incur any expenses in applying for
22 the position with MedVet?

23 A. MedVet? I don't believe so.

24 Q. Then it says you've incurred medical

1 expenses. Can you tell me what medical expenses you've
2 incurred since you left OhioHealth? I just want to
3 know expenses that you would not have incurred had you
4 continued at OhioHealth.

5 A. My medical expenses refers to the
6 hospitalizations in 2013. My insurance that I have
7 right now is -- I mean it's student health insurance.
8 It's not great insurance; and had I still been working
9 at OhioHealth, I would have had a good -- I had great
10 insurance when I worked there. I also after -- from
11 March 2012 through until the end of 2012, I believe
12 were the dates, I had Cobra. I had to pay for Cobra
13 benefits.

14 Q. Any other medical expenses?

15 A. At this time, not that I can think of.

16 Q. So let's start with the Cobra benefits that
17 you had to pay for March 2012 to December 2012. Those
18 are Cobra benefits to continue the insurance that you
19 had at MedVet; is that correct?

20 A. Yes.

21 Q. And you left MedVet voluntarily, correct?

22 A. Yes.

23 Q. They were providing you health insurance at
24 the time you left, correct?

1 A. Yes.

2 Q. The student health insurance, that's
3 insurance that -- you left MedVet to go back to school,
4 correct?

5 A. Yes.

6 Q. Okay. And, again, you did that voluntarily,
7 correct?

8 A. Yes.

9 Q. And the student health insurance is to
10 replace the health insurance that you had while working
11 at MedVet, correct?

12 A. Yes.

13 Q. Then the hospitalization in 2012, the costs
14 you incurred there, those are -- you were on Cobra at
15 that particular time, correct? I'm sorry. You had
16 insurance through school at that particular time,
17 correct?

18 A. Yes.

19 Q. So the costs that you incurred in 2013, those
20 were the costs, the medical expenses that were not
21 picked up by insurance, correct?

22 A. Yes.

23 Q. And you would agree that if you had been
24 employed at OhioHealth and had OhioHealth insurance,

1 you would have also had to pick up certain costs of
2 your hospitalization, correct?

3 A. Yes, but I believe it would have been
4 significantly less.

5 Q. Have you calculated the difference?

6 A. I don't know what they would have covered for
7 sure, so no.

8 Q. If you had remained at MedVet, you would have
9 had insurance, but you still would have had to pay your
10 deductible, correct?

11 A. Yes.

12 Q. Was MedVet's insurance better than the
13 student health insurance?

14 A. I'm not sure. I didn't have anything really
15 to compare it to.

16 Q. The complaint alleges that OhioHealth acted
17 maliciously towards you. Do you have any evidence that
18 OhioHealth did anything maliciously towards you?

19 MS. LAWS: Objection.

20 A. I feel that their actions, the way I was
21 treated was malicious because they did not meet my
22 reasonable accommodation request and fired me because
23 of it; and as a person with a disability, it's -- I
24 mean it was out of my control what my accommodation --

1 I needed the accommodation, and because they failed to
2 fulfill it and fired me because of it, I believe that
3 they knew what they were doing, and that that was
4 malicious.

5 Q. When you walked in in either August or
6 September and asked for an accommodation, they didn't
7 fire you at that particular time, did they?

8 A. No.

9 Q. And, in fact, they set you up with a
10 caseworker, didn't they?

11 A. Yes.

12 Q. And, you know, we can dispute how many
13 contacts you had with the caseworker, but you had
14 several interactions, many interactions, with the
15 caseworker over the period of time that you walked in
16 there and the time your employment was terminated,
17 correct?

18 A. I had a few. I wouldn't characterize it as
19 many communications. I made attempts to contact her
20 many times.

21 Q. Well, we know from what your sister
22 transcribed that Nancy Miller at least left six
23 voicemail messages for you after November 5th.

24 A. There were five on that that she left. I'm

1 sorry.

2 Q. That's okay. I thought there were six, but
3 if there are five, there are five, but we know that
4 Nancy Miller contacted you from November 5th through
5 the end of December at least five times, correct?

6 A. I believe the dates were different also. I
7 mean I would have expected her to contact me more.

8 Q. And when she was out of the office for an
9 extended period of time, she sent you a letter giving
10 you a contact person to work with, correct?

11 A. Yes.

12 Q. And she called you about a couple jobs that
13 weren't even posted, correct?

14 A. Yes.

15 Q. And she tried to set you up with an
16 internship, correct?

17 A. Yes, but it was not even within OhioHealth.

18 Q. So she went above and beyond the jobs at
19 OhioHealth and tried to find you something even outside
20 of the organization; is that true?

21 MS. LAWS: Objection.

22 A. I don't think so, no.

23 Q. And she offered you a job trial at one point,
24 correct?

1 A. A job trial?

2 Q. I think one of the notes indicated there was
3 a job trial.

4 A. I don't recall that.

5 MS. LAWS: Dave, I apologize for
6 interrupting, but if we could take a few minutes.

7 (Short recess taken.)

8 - - -

9 OHIO CIVIL RIGHTS COMMISSION CHARGE
10 OF DISCRIMINATION, BATES-STAMPED
11 EEOC 18 WAS MARKED AS STONE
12 DEPOSITION EXHIBIT 28.

13 - - -

14 BY MR. WHITCOMB:

15 Q. Showing you what has been marked as Exhibit
16 28, is this the charge of discrimination you filed with
17 the Ohio Civil Rights Commission and the Equal
18 Employment Opportunity Commission?

19 A. Yes, it is.

20 Q. And you filed this on May 25th, 2010; is that
21 correct?

22 A. Yes, that does sound correct.

23 Q. In this document in the middle where it says
24 the particulars are, it says, "I applied and

1 interviewed for open positions that I qualified for."

2 What positions did you interview for?

3 A. The only position I interviewed for was the
4 internship.

5 Q. If you want to look back at Exhibit 25, which
6 is the interrogatory responses, I want to walk through
7 these. On page 2, Interrogatory 1 asks about positions
8 that you applied for and in the response, the response
9 identifies five positions, but then talks about at the
10 bottom of the page the internship at McConnell Heart
11 Health Center in January 2010. Do you see where I am?

12 A. Yes.

13 Q. And it indicates that "Mr. Mansur told
14 Ms. Stone that the internship was for a nursing student
15 or a State-Tested Nursing Assistant; however, Ms. Stone
16 was neither a nursing student nor a State-Tested
17 Nursing Student." Do you see that?

18 A. Yes.

19 Q. Did Mr. Mansur tell you that you had to be
20 one of those two people to qualify for the position?

21 A. He did say the internship was intended for an
22 STNA or nursing student.

23 Q. So you were not qualified for that position?

24 MS. LAWS: Objection; argumentative.

1 A. He told me that he had been told I was
2 qualified for it.

3 Q. But based on your discussion with Mr. Mansur,
4 was it your understanding that you didn't meet the
5 qualifications for the position?

6 A. Yes, that's correct.

7 Q. So your current position at Healthy Pets is a
8 rehabilitation department assistant; is that correct?

9 A. Yes.

10 Q. What does that mean you do?

11 A. I perform rehabilitation therapy, exercises
12 as prescribed by the rehabilitation therapy
13 practitioner.

14 Q. On what type of animals?

15 A. Canines, dogs.

16 - - -

17 PLAINTIFF EQUAL EMPLOYMENT
18 OPPORTUNITY COMMISSION'S RESPONSES
19 AND OBJECTIONS TO DEFENDANT'S FIRST
20 SET OF REQUESTS FOR PRODUCTION WAS
21 MARKED AS STONE DEPOSITION EXHIBIT
22 29.

23 - - -

24 Q. Showing you what has been marked as Exhibit

1 29, which is "Plaintiff Equal Employment Opportunity
2 Commission's Responses and Objections to Defendant's
3 First Set of Request for Production." Have you seen
4 this document before?

5 A. This, I believe I have seen, yes.

6 Q. Have you read the request before?

7 A. I have not read all of them, no. I'm not
8 familiar with them.

9 MS. LAWS: Actually, excuse me. I'll
10 represent to the Defendant this document has not been
11 presented in any way to Ms. Stone.

12 MR. WHITCOMB: Thank you for doing that.

13 A. I may be getting this one confused with --
14 MS. LAWS: -- some other document that she
15 may have reviewed in anticipation for today, but I'll
16 represent to counsel that she has not been presented
17 with this document.

18 Q. I want to talk through each of the requests
19 to see whether you have any documents responsive to the
20 request and whether you provided them to the EEOC,
21 because I just want to make sure we have everything
22 that's in your possession as well as the EEOC's
23 possession. I think most of what we got in response to
24 our discovery request was simply the EEOC file, case

1 file.

2 Let me ask you this: Have you provided all
3 the documents you have in your possession related to
4 your employment with OhioHealth to the EEOC?

5 A. To the best of my knowledge, yes.

6 Q. Do you have any documents in your
7 possession -- and when I say your possession, documents
8 would include information that you may have had in
9 e-mails or stored electronically on a computer. Let me
10 sidetrack. Do you have a computer that you use?

11 A. Yes.

12 Q. Is it a laptop?

13 A. Yes.

14 Q. Is that a computer that you've had since
15 2009?

16 A. No.

17 Q. Did you have a computer back in 2009 and '10
18 that you used?

19 A. I believe so, yes.

20 Q. Did you have any information related to your
21 employment at OhioHealth on that computer?

22 A. Not that I can remember.

23 Q. Do you have a personal e-mail account?

24 A. Yes.

1 Q. What is your personal e-mail account?

2 A. Lstone5984@gmail.com.

3 Q. Have you used that personal e-mail account to
4 communicate with anybody about your employment at
5 OhioHealth?

6 A. I'm not sure I understand what all is
7 encompassed by reference to my employment at
8 OhioHealth.

9 Q. Well, let's -- anything that would -- I'm
10 really interested in things that would relate to your
11 lawsuit.

12 A. Okay.

13 Q. So, for example, this is just an example.
14 Did you send any e-mails to any friends or family
15 members talking about your efforts to find employment
16 at OhioHealth?

17 A. No.

18 Q. Or anything else to do with what you say is
19 your frustration with the process?

20 A. No. I don't think so, no.

21 Q. Did you send any text messages to friends or
22 relatives about the allegations in your lawsuit?

23 A. No, I don't believe so.

24 Q. Did you talk with anybody, any friends or

1 family members, about the allegations in your lawsuit?

2 A. About the allegations?

3 Q. Right.

4 A. Only -- I've only discussed what has been
5 publicly -- what's in public record.

6 Q. And let me make sure we're talking using the
7 terms the same way. I don't just mean what the
8 complaint says is the allegation but the underlying
9 facts in terms of your attempts to seek an
10 accommodation from OhioHealth and what you think
11 OhioHealth did in response to that and what you think
12 you did.

13 Have you communicated with anybody in either
14 e-mail or text message or any other format about those
15 facts?

16 A. No.

17 Q. Have you had any discussions with anybody
18 about those facts?

19 A. Yes.

20 Q. Who have you had discussions with?

21 A. My mother and my grandparents during the time
22 that it was all happening.

23 Q. What are your grandparents' names?

24 A. Harold and Bernice Stone.

1 Q. Where do they live?

2 A. Columbus.

3 Q. Do you have any documents in your possession
4 related to jobs that were open at the time you were
5 seeking an accommodation?

6 A. Not to my knowledge.

7 Q. Do you have any documents with respect to any
8 of the applications you submitted?

9 A. Not to my knowledge.

10 Q. So if I understand correctly, when you
11 applied for jobs, you just would complete what was on
12 the computer, and you didn't save it to your computer
13 or print a copy for your records?

14 A. No, I would -- no.

15 Q. Did you use a password to log onto the
16 OhioHealth system?

17 A. Yes, I believe so.

18 Q. I take it that password is no longer -- do
19 you know whether that password works anymore?

20 A. No.

21 Q. What was it?

22 A. I don't remember what it was.

23 Q. You don't know what it was?

24 A. No.

1 Q. Last night I received some medical
2 documentation related to your narcolepsy; but at least
3 in my experience, it doesn't look like it's a complete
4 record. Do you have medical records in your possession
5 rather than what you described this morning?

6 MS. LAWS: Objection; asked and answered.

7 A. No.

8 Q. In your complaint, you allege that in
9 January 2010 you attempted to engage in an interactive
10 process with Defendant that was rebuffed. Let me just
11 quote accurately the paragraph that I'm speaking of.

12 MS. LAWS: You said her complaint. Are you
13 referring to the complaint or the charge?

14 MR. WHITCOMB: The EEOC complaint, the
15 lawsuit. I'm sorry.

16 MS. LAWS: That's okay.

17 MR. WHITCOMB: I apologize.

18 BY MR. WHITCOMB:

19 Q. In the lawsuit that was filed, paragraph
20 16 -- let's just mark it.

21 - - -

22 COMPLAINT WAS MARKED AS STONE
23 DEPOSITION EXHIBIT 30.

24 - - -

1 Q. To make this easier, I've had the complaint
2 that the EEOC filed in Federal Court marked as Exhibit
3 30; and if you turn to page 4 of the complaint, if you
4 look at paragraph 16, it says, "In or around
5 January 2010, Ms. Stone attempted to engage in the
6 interactive process with Defendant regarding her
7 medical leave of absence and reassignment to a vacant
8 position as a reasonable accommodation. Defendant
9 rebuffed Ms. Stone's efforts and failed to offer any
10 reasonable effective alternatives." Do you see that?

11 A. Yes.

12 Q. So tell me what interactive process you were
13 engaging in or attempting to engage in in January of
14 2010?

15 MS. LAWS: Objection; calls for an improper
16 lay opinion.

17 A. Since I didn't write this, really, I don't
18 know what it's referring to.

19 Q. Okay. We've already discussed earlier today
20 what events took place in January of 2010, correct?

21 A. Yes. I believe we covered everything as far
22 as I can remember, yes.

23 Q. I'm looking back to the document request
24 where we had requested all documents regarding your

1 termination from Defendant. Did you receive any
2 documents other than the letter stating that effective
3 February 10th, your employment would be terminated?

4 A. Not that I know of.

5 Q. We had asked for any documents related to
6 your efforts to obtain employment with employers other
7 than OhioHealth. Do you have documents related to your
8 efforts to find employment outside of OhioHealth?

9 A. Not that I know of, no.

10 Q. You don't have any applications you submitted
11 for jobs?

12 A. No.

13 Q. You have no letters you received back either
14 saying we're interested in you or we're not interested
15 in you?

16 A. No.

17 Q. Did you keep any calendars or diaries of
18 events as they were transpiring?

19 A. No.

20 Q. Other than not being able to work at night,
21 what type of limitations does your narcolepsy place on
22 you?

23 A. Do you mean just in every day life?

24 Q. Yes.

1 A. Like how it affects my everyday life?

2 Q. Yes.

3 A. When I am not managing my narcolepsy, it's
4 just an overwhelming constant feeling of exhaustion. I
5 could sleep and sleep and sleep and I wake up and feel
6 like I've not had any rest at all. Fatigue. I
7 experience when I wake up in the morning what's called
8 sleep paralysis, which is where you're conscious and
9 awake, but you just can't move, which is quite
10 terrifying when it happens. It's just a constant
11 struggle to focus, pay attention to things. It's hard
12 to put into words how overwhelmingly exhausting
13 everything is.

14 Q. In listening to you and watching you, it
15 seems like it's been an emotional experience having to
16 deal with your narcolepsy.

17 A. It is difficult to deal with, yes.

18 Q. And it's emotional?

19 A. It can be sometimes.

20 Q. I think you indicated it can be terrifying
21 when you wake up in the morning and have some of these
22 feelings. Is that true?

23 A. Um-hmm.

24 Q. You have to answer audibly.

1 A. I'm sorry?

2 Q. You have to answer yes or no.

3 A. Oh, I'm sorry. Yes.

4 Q. That's okay. So when you were on your leave
5 between the end of August or early September and
6 February before you picked up your employment at
7 MedVet, what would you be doing during the day?

8 A. Reading books, trying to stay busy. I would
9 try and wake up early in the morning with the sun and
10 try and keep a schedule as if I were working day shift.
11 Help run errands for friends or family. I just made
12 every attempt possible to stay busy.

13 Q. In an intake questionnaire you completed with
14 the EEOC, you were asked of any witnesses to the
15 alleged discriminatory incidents, and you listed Donna
16 Dalton, and that's your mother, correct?

17 A. Yes.

18 Q. She's a nurse; is that accurate?

19 A. Yes.

20 Q. Where does she work?

21 A. She was at the time -- at the time she was a
22 registered nurse at Riverside Hospital.

23 Q. Does she still work there?

24 A. I believe she's still employed there, but

1 not -- I think she's contingent.

2 Q. What type of nurse is she?

3 A. Do you mean like department --

4 Q. Yes.

5 A. -- degree? Department?

6 Q. Yes.

7 A. Behavioral health.

8 Q. Another person listed was Jessica Moran.

9 A. Yes.

10 Q. Who is Jessica Moran?

11 A. A friend of mine.

12 Q. What would she know about the alleged
13 discriminatory incidents?

14 A. During the course of the process of trying to
15 get back to a day shift position, I was in contact with
16 her, and she witnessed my frustrations and my attempts.

17 Q. Did she witness them or -- did she work at
18 OhioHealth?

19 A. She did, yes.

20 Q. Did she personally witness stuff, or is that
21 stuff you talked about with her?

22 A. I'm not sure what the difference would be if
23 she was witnessing my frustration.

24 Q. Is that a friend that you would go do stuff

1 with during this time period?

2 A. I mean we may have occasionally met, but not
3 frequently.

4 Q. Is that somebody you would be talking to on
5 the phone?

6 A. Yeah.

7 Q. I'm just trying to figure out how she would
8 know about stuff, so whether it was because you guys
9 hung out together or because you called her on the
10 phone or because she worked with you. That's what I'm
11 trying to figure out. So is this somebody who would
12 know about stuff because you told her in telephone
13 conversations?

14 A. I mean I told her in conversation, whether it
15 be in person or over the phone.

16 Q. Are there other people like Jessica Moran who
17 you were talking to about what was happening in your
18 life at that time period?

19 A. I mentioned before my grandparents.

20 Specifically, I can't really think of anyone else that
21 I discussed it with.

22 - - -

23 "U.S. EQUAL EMPLOYMENT OPPORTUNITY
24 COMMISSION INTAKE QUESTIONNAIRE,"

1 BATES-STAMPED EEOC 187-195 WAS
2 MARKED AS STONE DEPOSITION EXHIBIT
3 31.

4 - - -

5 Q. Showing you what has been marked as Exhibit
6 31, the first four pages is an EEOC intake
7 questionnaire; is that correct?

8 A. Yes.

9 Q. Is this your handwriting on the form?

10 A. Yes, it is.

11 Q. Is that your signature on the fourth page?

12 A. Yes.

13 Q. Then the rest of the exhibit says "RMH
14 Outline/Timeline of Events." Is this your handwriting
15 as well?

16 A. Yes.

17 Q. Is this something that you attached to your
18 intake questionnaire or something unrelated to your
19 intake questionnaire?

20 A. I'm not sure if I attached it with the intake
21 questionnaire initially or not.

22 Q. Is this timeline a timeline you prepared for
23 the EEOC?

24 A. Yes.

1 Q. If we look at your timeline, which is your
2 handwriting, does this refresh your memory? Was
3 September 10th, 2009 your first meeting with Nancy
4 Miller?

5 A. Yes.

6 Q. And then on the 18th, you submitted the
7 reasonable accommodation form; is that correct?

8 A. To Ms. Miller, yes.

9 Q. And then October 14th, you applied for two
10 positions, right?

11 A. Yes.

12 Q. And it says "per N.M." Do you see that?

13 A. Yes.

14 Q. Is that per Nancy Miller?

15 A. Yes.

16 Q. So you did that at her suggestion or request;
17 is that correct?

18 A. At her suggestion, yes.

19 Q. Then it indicates you also applied for a
20 third position per N.M. Do you see that?

21 A. Yes.

22 Q. And then, again, that's per Nancy Miller?

23 A. Yes. I believe when I was writing per Nancy
24 Miller, I was writing per our plan, according to our

1 plan, the plan that we had discussed for me.

2 Q. The plan was for you to look for jobs that
3 you were interested and qualified for and apply for
4 them?

5 A. As I was able to, yes.

6 Q. If you go up to the next page, it indicates
7 that on November 5th, you received a phone message from
8 Nancy, correct?

9 A. Yes.

10 Q. And on the 16th of November, you received a
11 phone message from Nancy, correct?

12 A. Yes.

13 Q. Then on the 17th of November, you applied for
14 two more positions, correct?

15 A. Yes.

16 Q. Then it looks like -- reading your notes, it
17 says on or around the 16th of November you made
18 arrangements to meet with Nancy Miller, correct?

19 A. Yes.

20 Q. It looks like you were scheduled to meet on
21 the 23rd?

22 A. I believe that's correct.

23 Q. But Nancy had to cancel that because of
24 personal reasons; is that right?

1 A. Yes.

2 Q. If we flip to the next page of the document,
3 it says in December, December 2009. Do you see that?

4 A. Yes.

5 Q. And it says, "1st week e-mailed Nancy
6 Miller." Is that the one e-mail that you said you sent
7 and we had a draft of?

8 A. Yes, I believe that is in reference to that.

9 Q. Now, you say "Re: Hospital Policy and my
10 case/rights."

11 A. Yes, because I mentioned hospital policy and
12 also mentioned since she was my caseworker, I mentioned
13 my case referring to my accommodation request.

14 Q. Continuing to look at this document, it looks
15 like on December 14th, you received a message from
16 Nancy Miller, correct?

17 A. Yes.

18 Q. And on December 17th, you received a message
19 from Nancy?

20 A. Yes.

21 Q. And then on the 29th of December, you
22 submitted an application, correct?

23 A. Yes.

24 Q. In December -- and I think you mentioned

1 this -- you got hired by Tim Hortons; and then in
2 January of 2010 on the 18th, you received a message
3 from Nancy Miller, correct?

4 A. Yes.

5 Q. And you indicate below that, it says, "By
6 this point, I had interviewed for and been offered a
7 part-time position with MedVet." Do you see that?

8 A. Yes, I see that.

9 Q. Does that refresh your memory as far as when
10 you were offered employment with MedVet?

11 A. No. I was offered employment with MedVet in
12 March. I may have mistakenly wrote that out of order
13 on this.

14 Q. Okay.

15 A. This was just a summary of what I was writing
16 up real quick.

17 Q. Is it fair to say your recollection of the
18 events is not very clear in your mind?

19 MS. LAWS: Objection.

20 A. No.

21 Q. Well, you certainly have some of your facts
22 incorrect. You'd agree with that, wouldn't you?

23 MS. LAWS: Objection.

24 A. My recollection is that I applied for and

1 started working for MedVet in March. As of right now,
2 that is my recollection, and that is the fact as I know
3 it to be true.

4 Q. And then on January 20th, you received a call
5 about the McConnell position, correct?

6 A. The internship, yes.

7 Q. Then this document that you provided to the
8 EEOC says on January 20th, you received a certified
9 letter of termination effective February 10th, 2010.

10 Do you see that?

11 A. Yes, I see that.

12 Q. Does that change your recollection as to when
13 you received that letter?

14 A. I believe January 20th was maybe the first
15 attempt that the post office had made to deliver the
16 certified letter. I referenced that date when I wrote
17 this up, because that was the date written on the
18 envelope, but I did not receive it that day.

19 Q. Turning to the next page, it indicates that
20 on the 8th -- is that February 8th you received the
21 communication in writing from Nancy Miller stating
22 she'd be away from the office?

23 A. I mean that was -- I was using the date on
24 the letter to reference.

1 Q. Looking at your notes, is Marjorie Seagraves
2 the individual that you spoke with about Cobra?

3 A. Yes, I believe so.

4 - - -

5 INTAKE NOTES, DATED MAY 10, 2010,
6 BATES-STAMPED EEOC 186 WAS MARKED
7 AS STONE DEPOSITION EXHIBIT 32.

8 - - -

9 Q. I'm showing you what has been marked as
10 Exhibit 32, which appears to be an intake note from a
11 conversation you had with the EEOC. Do you recognize
12 this document?

13 A. No, I do not.

14 Q. In the fourth paragraph, it indicates that on
15 October 14th, 2009, it says, "Nancy suggested that I
16 apply for the position for scheduling coordinator and
17 clinical receptionist." Does that refresh your memory
18 as to whether Nancy was the one who identified those
19 positions for you?

20 A. No. I identified those positions online.

21 She had suggested I search positions and apply for ones
22 that I found online.

23 Q. So it's your testimony that Nancy did not
24 suggest you apply specifically for these two positions?

1 A. She did not identify these two positions to
2 me as positions I should apply for, no.

3 Q. And you indicate you have no interest in
4 working at OhioHealth; is that accurate?

5 A. As of right now, or at what point?

6 Q. Well, the note says you have no interest. Do
7 you have interest in working at OhioHealth?

8 A. Can you ask me that again? I still didn't
9 catch --

10 Q. So whenever this note was prepared, it says,
11 "At this point, I have no interest in working at
12 OhioHealth." Do you see that?

13 A. Yes.

14 Q. As of today, is your position still the same,
15 that you have no interest in working at OhioHealth?

16 A. Yes, that's true.

17 - - -

18 LETTER TO PAT SINTIC FROM LAURA
19 STONE, BATES-STAMPED EEOC 150-156
20 WAS MARKED AS STONE DEPOSITION
21 EXHIBIT 33.

22 - - -

23 Q. Showing you what has been marked as Exhibit
24 33, which is a letter that I believe you drafted to the

1 EEOC investigator on your case; is that accurate?

2 A. Yes, as best I can tell.

3 Q. If you look at the sixth page of this
4 document, it has a number in the lower right-hand
5 corner, EEOC 00155.

6 A. Okay.

7 Q. Is that your signature?

8 A. Yes.

9 Q. Looking back to the first page of this
10 document, in the second paragraph at the bottom, you
11 say, "I made diligent efforts to maintain
12 communications with my case manager, Nancy Miller, as
13 well as personally contacting hiring managers for the
14 positions I had applied for when Nancy Miller failed to
15 do so herself."

16 Can you tell me what hiring managers you
17 contacted?

18 A. I contacted I believe her name was Joan in
19 medical records. I mentioned to her that I had
20 applied.

21 Q. Any other hiring managers you contacted?

22 A. Not that I can think of at the moment.

23 Q. What did Joan tell you when you talked to
24 her?

1 A. She told me that she did not know that I --
2 didn't even know that I had applied for the position.
3 She told me that she would have offered -- she would
4 have interviewed and offered it to me had she known,
5 because I had worked with her before. She also said
6 that she should have been notified by Employee Health
7 and Wellness that I had an application transfer request
8 in with her. She said they should have let her know
9 that I had a reasonable accommodation request and
10 needed day shift and had an application in.

11 Q. You don't know why Joan didn't receive your
12 application, do you?

13 A. No, I do not.

14 Q. How did you contact Joan? By your cell
15 phone?

16 A. No.

17 Q. How did you contact her?

18 A. In person.

19 Q. At the hospital?

20 A. Yes.

21 Q. Do you know when you met with her?

22 A. I don't remember.

23 Q. Did you meet with anybody else at the
24 hospital when you were looking for positions?

1 A. Not that I can remember.

2 Q. If you look at page 4 of 7 of your letter, in
3 the first full paragraph that begins "Next," the second
4 sentence says, "I had a total of seven active
5 applications during the six-month period." Do you see
6 that?

7 A. Yes.

8 Q. And then it says, "I consistently try to
9 maintain two active transfer requests at all times in
10 accordance with Riverside transfer policy." Do you see
11 that?

12 A. Yes.

13 Q. I don't see anything in here that indicates
14 that you weren't able to have more than two active
15 requests at any one time. Did you ever --

16 A. No.

17 Q. You didn't write that, did you?

18 A. No.

19 Q. You say "I tried to maintain two active
20 transfer requests at all times." That seems to suggest
21 to me that there were times when you didn't have two
22 active transfer requests. Is that fair to say?

23 MS. LAWS: Objection; argumentative.

24 A. I don't feel it would be fair to say for the

1 simple fact that, to the best of my knowledge, I had
2 two active requests at all times. If maybe a couple
3 hours elapsed where I didn't, where I was unaware --

4 Q. You mentioned that the policy says you can
5 only have two, but you don't say that the system would
6 only allow you to have two. Because you prepared this
7 closer in time than this deposition, I'd just ask if
8 that refreshes your memory as to whether you only
9 submitted two because you thought you could only submit
10 two or whether the system would only allow you to
11 submit two.

12 A. No. I believe that the reason the system
13 would only allow you to submit two was because of the
14 policy.

15 Q. Are you aware that the policy says generally
16 you can only submit two but doesn't say absolutely you
17 can only submit two?

18 A. No, I am not.

19 - - -

20 OHIOHEALTH TRANSFER POLICY,
21 BATES-STAMPED EEOC 167-169 WAS
22 MARKED AS STONE DEPOSITION EXHIBIT
23 34.

24 - - -

1 Q. If you look at Exhibit 34, is this the
2 transfer policy that you're referring to?

3 A. I believe so.

4 Q. And just for clarification, your letter says,
5 "See transfer policy, Exhibit H," and if you look at
6 the top right-hand corner, it says, "Exhibit H," and
7 this was a document provided to us by the EEOC. Does
8 that give you greater comfort that this is the transfer
9 policy that you were referencing in your --

10 A. Yes.

11 Q. And if you look at Section IIB, do you see
12 where it says, "Generally associates will be limited to
13 no more than two active transfers?"

14 A. Yes, I see that, but that doesn't change that
15 the website would not allow any more than two. I
16 wouldn't have any reason to believe that there was any
17 way to do more than two.

18 Q. And if, in fact, you had more than two at any
19 one time, you'd agree with me that that means that you
20 were submitting more than is generally permitted for an
21 associate, correct?

22 A. I don't understand the question. Can you
23 rephrase it?

24 Q. That's okay. I'll ask you a different

1 question.

2 You submitted a letter to the EEOC
3 investigator saying that you were seeking \$635,000 in
4 compensation from Riverside Methodist Hospital and "if
5 requested, I can verify a breakdown of factors
6 defending said dollar amount." Can you explain to me
7 how you calculate damages of \$635,000?

8 A. Am I able to view the letter?

9 Q. Sure.

10 - - -

11 LETTER TO MR. SINTIC FROM MS.

12 STONE, BATES-STAMPED EEOC 149 WAS

13 MARKED AS STONE DEPOSITION EXHIBIT

14 35.

15 - - -

16 Q. Showing you what has been marked as Exhibit
17 35, which is the letter I was referencing in my
18 previous question.

19 A. Do you mind repeating the question for me?

20 Q. You said in your letter that you're seeking
21 \$635,000 from Riverside Methodist Hospital and you're
22 saying "If requested, I can provide a breakdown of
23 factors defending said dollar amount." My question is,
24 can you provide the breakdown of the factors defending

1 said dollar amount?

2 A. Yes. Do you want --

3 Q. Yes, please.

4 A. The way the calculations I base this on were
5 at my current hourly rate at the time of termination,
6 my plan was to continue working at Riverside full time
7 until retirement, which was an additional 20, 22 years,
8 I believe; and just based on the hourly rate working
9 full time, that would have been my wages until I
10 retired, not including any, like, medical benefits or
11 anything like that, or retirement plan or anything.

12 Q. So this is just what you believe is lost
13 wages?

14 A. Yes.

15 Q. Did you subtract the wages that you were
16 making at MedVet?

17 A. When I calculated this, I did not, no.

18 Q. By the way, looking back at Exhibit 33, which
19 is this letter, the previous exhibit, on page 4 of 7,
20 in the last paragraph, there is a -- in the middle of
21 the paragraph, it talks about on October 14th, you
22 attempted to contact Ms. Miller to see if she had heard
23 from the Behavioral Health Department, and then it said
24 you proceeded to contact the hiring manager yourself

1 leaving a message. Who was the hiring manager that you
2 contacted at Behavioral Health?

3 A. I do not recall her name. She was the day
4 shift supervisor.

5 Q. Refresh my memory. What position was in
6 Behavioral Health?

7 A. I believe it was a unit coordinator position.

8 Q. And then you indicate a conversation with
9 Ms. Miller where she hung up because she thought she
10 was receiving information from Behavioral Health, and
11 then the very last line says, "I was eventually
12 informed by the hiring supervisor after contacting her
13 myself that they could not hire me for the position
14 since my relative was contingent and had the potential
15 for working on day shift." So did you contact -- who
16 is the hiring supervisor who you subsequently
17 contacted?

18 A. I do not recall her name.

19 Q. Is it the same person you originally tried to
20 contact?

21 A. The same supervisor?

22 Q. Yes.

23 A. Yes.

24 Q. How did you contact that person? By phone?

1 A. By phone.

2 Q. Do you know what phone number you would have
3 called that person at?

4 A. I believe it was 566-2808.

5 Q. Who is the relative who works contingent?

6 A. My mother.

7 - - -

8 DOCUMENT PREPARED BY SABRINA
9 AUSTIN, INVESTIGATOR, OCTOBER 4,
10 2011, BATES-STAMPED EEOC 8 WAS
11 MARKED AS DEPOSITION EXHIBIT 36.

12 - - -

13 Q. I'm showing you what has been marked as
14 Exhibit 36, which appears to be some information that
15 you provided to the EEOC investigator. Have you seen
16 this before?

17 A. No.

18 Q. Let me ask you just about some of this. It
19 says here that your medical expenses are approximately
20 \$500 for narcolepsy and diabetes insulin.

21 A. Yes.

22 Q. And is that your out-of-pocket expense, or is
23 that the expense that gets billed to the insurance
24 company?

1 A. I am not sure.

2 Q. The next entry indicates that you had student
3 loans and monthly car payments. Those are expenses you
4 have irrespective of your employment at OhioHealth,
5 correct?

6 A. Yes.

7 Q. Then it says you took out a personal loan for
8 \$6,000 to pay for medical purposes. What was that for?

9 A. I believe -- I'm not sure what that -- I'm
10 not sure what it's for.

11 Q. Do you not recall taking out a loan?

12 A. For medical purposes, no, I do not.

13 - - -

14 PHONE RECORDS OF LAURA STONE,
15 BATES-STAMPED EEOC 30-140 WAS
16 MARKED AS STONE DEPOSITION EXHIBIT
17 37.

18 - - -

19 Q. I'm showing you what has been marked as
20 Exhibit 37. These are phone records that we received
21 from the EEOC in response to some document requests.
22 Did you provide these documents to the EEOC?

23 A. I believe so.

24 Q. There's a lot of information that's blocked

1 out in these documents. Did you provide them to the
2 EEOC with the information blocked out?

3 A. No.

4 Q. You said that these documents would verify
5 the phone calls that were made to and from -- the
6 communications to and from you, correct?

7 A. Yes.

8 Q. So I'm looking at Stone Exhibit 6. The first
9 entry on Stone Exhibit 6 is a transcription that your
10 sister made of a voice message you received on
11 November 5th, 2009, correct?

12 A. Yes.

13 Q. And I'm looking at your phone records, and
14 maybe I'm missing something here; but if I look at the
15 page that's Bates-stamped EEOC 78, it appears to be
16 where November 5th is in these phone records, and they
17 continue on page 79. The first question is, do you see
18 any calls on your phone records that indicate a call at
19 10:55 a.m. on November 5th?

20 A. No.

21 Q. Do you see any call on here from Ms. Miller?

22 A. On November 5th?

23 Q. Correct.

24 A. No.

1 Q. Isn't it fair to say that your phone records
2 don't accurately reflect all the phone calls that you
3 received from Ms. Miller?

4 MS. LAWS: Objection.

5 A. I believe they reflect the phone calls. I'm
6 not an expert on how voicemail works, but my incoming
7 and outgoing calls are here, and this is a direct
8 transcription of the voicemails that I received from
9 her.

10 Q. And it's not reflected in your phone records,
11 correct?

12 A. No, and I mean I'm not an expert on how that
13 can happen.

14 MR. WHITCOMB: Let's take a break.

15 (Short recess taken.)

16 - - -

17 OHIOHEALTH CORPORATION PAY RECORDS,

18 REDACTED, BATES-STAMPED EEOC V. OHC

19 357 WAS MARKED AS STONE DEPOSITION

20 EXHIBIT 38.

21 - - -

22 BY MR. WHITCOMB:

23 Q. I'm showing you what has been marked as

24 Exhibit 38, because earlier this afternoon, I had shown

1 you a document that you took a break to review, which
2 was Exhibit 27, that appears to indicate that you had
3 asked to reduce your hours from 32 per week to 16 per
4 week, and you didn't recall that, but I want to -- do
5 you recognize 38 as your pay records or a portion of
6 your pay records beginning in April of 2009?

7 A. Yes, they do appear to be some of my pay
8 stubs.

9 Q. Okay. And these are pay records, and you
10 would be paid every two weeks, correct?

11 A. Yes.

12 Q. So, for example, the fifth one is for pay
13 period beginning on April 5th, 2009 and ending on
14 April 9, 2009. Do you see that?

15 A. Yes.

16 Q. If you look at your hours and earnings, the
17 total hours that you worked during this two-week period
18 was 46.25 hours. Do you see that?

19 A. Yes.

20 Q. So for that two-week period, you averaged
21 approximately 23 hours a week, correct?

22 A. I guess that's what it would divide out to
23 be, yes.

24 Q. If you turn to the next page, which is pay

1 records for April 19th through May 2nd, correct?

2 A. Um-hmm.

3 Q. Your hours for that two-week period total
4 were 46.25, correct?

5 A. Yes.

6 Q. Which means per week, you were working
7 approximately less than 24 hours a week, correct?

8 A. Yes.

9 Q. If you look at the next pay period for
10 May 3rd through 16th, your total hours were 25.60,
11 correct?

12 A. Yes.

13 Q. Which would be less than 13 hours per week,
14 correct?

15 A. Yes.

16 Q. And if you look at the next pay period for
17 May 17th through May 30th, your total hours were 40.50,
18 correct?

19 A. Yes.

20 Q. Which would be 28.25 hours per week, correct?

21 A. Yes.

22 Q. If you look at the next pay period for
23 May 31st through June 13th, your two-week total hours
24 is 29.33, correct?

1 A. Yes.

2 Q. And that would mean your per week average was
3 slightly under 15 hours per week, correct?

4 A. Yes.

5 Q. If you look at the next pay period from
6 June 14th through June 27th, your total hours were 32,
7 correct?

8 A. Yes.

9 Q. And that would be an average of 16 hours per
10 week, correct?

11 A. Yes.

12 Q. If you look at the next pay period for
13 June 28th through July 11th, your total hours were
14 39.95, correct?

15 A. Yes.

16 Q. Which would be an average of less than 20
17 hours per week, correct?

18 A. Yes.

19 Q. And if you look at the next pay period from
20 July 12th through July 25th, the total hours is 32.27,
21 correct?

22 A. Yes.

23 Q. Which is roughly 16 hours per week, correct?

24 A. Yes.

1 Q. If you look at July 26th through August 8th,
2 the total hours is 26.23, correct?

3 A. Yes.

4 Q. And the average would be roughly 13 hours per
5 week, correct?

6 A. Yes.

7 Q. If you look at the next pay period, which is
8 August 9th through August 22nd, the total hours is 36,
9 correct?

10 A. Yes.

11 Q. Which would average out to be 18 hours per
12 week, correct?

13 A. Correct.

14 Q. The next pay period is August 23rd through
15 September 5th, and the total hours is 43.75, correct?

16 A. Yes.

17 Q. Which would average out to be slightly under
18 22 hours per week, correct?

19 A. Yes.

20 Q. The next document -- I'm not sure what it is,
21 because it says beginning and ending the 12th, and it
22 has no hours; but if you look at the following page,
23 it's September 6th through September 19th, and it has
24 the total hours of 29.30, correct?

1 A. Yes.

2 Q. Which averages out to be slightly under 15
3 hours per week, correct?

4 A. Yes.

5 Q. Then the next pay period is September 20th
6 through October 3rd, 2009, correct?

7 A. Yes.

8 Q. And the total hours for that two-week period
9 is 32, correct?

10 A. Yes.

11 Q. Which averages out to 16 hours per week,
12 correct?

13 A. Yes.

14 Q. And then I believe if you look -- and this is
15 while you're on leave; but if you look at the remaining
16 time cards, your two-week hours for the remaining time
17 cards is 32 hours for that two-week period, correct?

18 A. Yes.

19 Q. Which would be 16 hours per week, correct?

20 A. Yes.

21 MR. WHITCOMB: I have no further questions
22 right now. We do have some outstanding issues with
23 respect to some documents that we don't have, and so
24 I'm going to leave the deposition open with respect to

1 the issues that we have with respect to outstanding
2 documents.

3 MS. LAWS: Well, the EEOC has produced
4 everything in its possession that's relevant and
5 non-privileged; but if you want to leave it open, go
6 ahead.

7 She will read and sign.

8 (Signature not waived.)

9 - - -

10 Thereupon, at 4:57 p.m., on Wednesday, June
11 18, 2014, the deposition was concluded.

12 - - -

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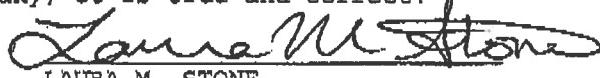
1 CERTIFICATE

2 STATE OF OHIO :
3 COUNTY OF FRANKLIN : SS:

4

5 I, LAURA M. STONE, do hereby certify that I
6 have read the foregoing transcript of my cross-
7 examination given on June 18, 2014; that together with
8 the correction page attached hereto noting changes in
9 form or substance, if any, it is true and correct.

10

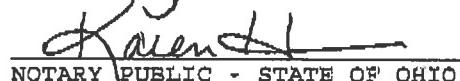

LAURA M. STONE

11

12 I do hereby certify that the foregoing
13 transcript of the cross-examination of LAURA M. STONE
14 was submitted to the witness for reading and signing;
15 that after she had stated to the undersigned Notary
16 Public that she had read and examined her
17 cross-examination, she signed the same in my presence
18 on the 20 day of July, 2014.

19

20


NOTARY PUBLIC - STATE OF OHIO

21

22 My Commission Expires:

23

May 28, 2017

24

Karen Higgins
Notary Public, State of Ohio
My Commission Expires 05-28-2017





June 23, 2014

ERRATA SHEET

Re: Equal Employment Opportunity Commission vs. OhioHealth Corporation, D/B/A Riverside Methodist Hospital
Case No. 2:13-CV-00780
USDC/SDO/ED

PLEASE DO NOT WRITE ON THE TRANSCRIPT. Any changes in form or substance you wish to make should be entered on this sheet.

TO THE REPORTER: I have read the transcript taken on June 18, 2014, or the same has been read to me. I request that the following changes be entered upon the record for the reasons indicated. I have signed my name to the signature page and authorize you to attach the same to the original transcript.

<u>Page</u>	<u>Line</u>	<u>Change/correction and reason</u>
p. 83	17	"September" to "July" -typographical error

DATE: 7/22/14

Signature:

A handwritten signature in black ink, appearing to read "Laura M. Stone".

LAURA M. STONE

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Fax - (614) 224-5724
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1

CERTIFICATE

2

STATE OF OHIO

:

SS:

3

COUNTY OF FRANKLIN :

4

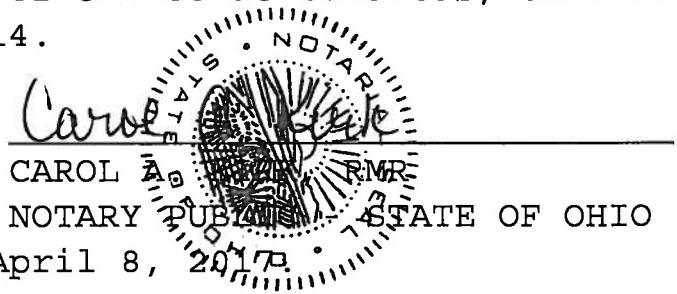
I, Carol A. Kirk, a Registered Merit Reporter and Notary Public in and for the State of Ohio, duly commissioned and qualified, do hereby certify that the within-named LAURA M. STONE was by me first duly sworn to testify to the truth, the whole truth, and nothing but the truth in the cause aforesaid; that the deposition then given by her was by me reduced to stenotype in the presence of said witness; that the foregoing is a true and correct transcript of the deposition so given by her; that the deposition was taken at the time and place in the caption specified and was completed without adjournment; and that I am in no way related to or employed by any attorney or party hereto or financially interested in the action; and I am not, nor is the court reporting firm with which I am affiliated, under a contract as defined in Civil Rule 28 (D) .

13

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal of office at Columbus, Ohio on this 20th day of June 2014.

15

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My Commission Expires:

April 8, 2017

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